

FEDERAL REGISTER

VOLUME 18

NUMBER 251

Washington, Friday, December 25, 1953

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

GENERAL CONDITIONS OF ELIGIBILITY

The Terms and Conditions of 1953-54 Commodity Credit Corporation Wheat and Wheat-Flour Export Program (18 F. R. 5189) issued on August 24, 1953, are amended as follows:

Section 571.430 is amended to include the following additional paragraph:

(d) Neither wheat exported pursuant to Announcement GR 261 nor flour exported pursuant to Announcement GR 262 shall be eligible for export payment under this subpart.

(Sec. 2, 63 Stat. 945, 946, 67 Stat. 358, sec. 104, 64 Stat. 198; 7 U. S. C. Sup. 1641, 1642)

Issued this 21st day of December 1953.

[SEAL] HOWARD H. GORDON,
President,
Commodity Credit Corporation.

[F. R. Doc. 53-10700; Filed, Dec. 24, 1953;
8:46 a. m.]

TITLE 7—AGRICULTURE

Chapter VII—Production and Marketing Administration (Agricultural Adjustment), Department of Agriculture

PART 721—CORN

PROCLAMATION OF COMMERCIAL CORN-PRODUCING AREA FOR 1954

§ 721.501 *Basis and purpose.* (a) This document is issued to proclaim the commercial corn-producing area for 1954 pursuant to sections 301 (b) (4) and 327 of the Agricultural Adjustment Act of 1938, as amended, and is contingent upon the proclamation of an acreage allotment for corn for 1954 for the commercial corn-producing area by the Secretary of Agriculture pursuant to section 328 of the Agricultural Adjustment Act of 1938, as amended. Prior

to preparing the proclamation herein, public notice (18 F. R. 6456) was given in accordance with the Administrative Procedure Act (5 U. S. C. 1003). The data, views, and recommendations pertaining to this proclamation which were submitted have been duly considered within the limits permitted by the Agricultural Adjustment Act of 1938, as amended.

(b) In making the determinations contained in § 721.502, the corn acreage estimates of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the statistics of the Bureau of the Census relating to numbers of farms and acreage of farmland were used, adjusted where necessary to reflect the difference in the definition of "farm" used by the Commodity Stabilization Service and the Agricultural Conservation Program Service from that of the Bureau of the Census. It is hereby found and determined that the statistics of the Agricultural Marketing Service (formerly Bureau of Agricultural Economics) and the Bureau of the Census, as so adjusted and supplemented by Agricultural Conservation Program Service data, constitute the latest and most reliable statistics of the Federal Government.

§ 721.502 *Commercial corn-producing area for the year 1954.* The commercial corn-producing area for the year 1954 comprises the following counties:

ARKANSAS	
Clay.	Greene.
Craighead.	Mississippi.
DELAWARE	
Kent.	Success.
New Castle.	
ILLINOIS	
All counties except Williamson.	
INDIANA	
All counties except:	
Brown.	Switzerland.
Crawford.	
IOWA	
All counties.	
KANSAS	
Anderson.	Douglas.
Atchison.	Franklin.
Brown.	Jackson.
Clay.	Jefferson.
Cloud.	Jewell.
Crawford.	Johnson.
Doniphan.	Leavenworth.

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Smith.
Wabaunsee.
Washington.

KENTUCKY

Allen.
Ballard.
Barren.
Boyle.
Bracken.
Bullitt.
Butler.
Caldwell.
Calloway.
Carlisle.
Carroll.
Christian.
Crittenden.
Davies.
Fulton.
Graves.
Green.
Hancock.
Hardin.
Hart.
Henderson.
Hickman.
Hopkins.
Jefferson.
Larue.
Livingston.
Logan.
Lyon.
McCracken.
McLean.
Marion.
Meade.
Nelson.
Oldham.
Simpson.
Spencer.
Taylor.
Todd.
Trigg.
Union.
Warren.
Washington.
Webster.

MARYLAND

Caroline.
Carroll.
Cecil.
Dorchester.
Frederick.
Harford.
Kent.
Montgomery.
Queen Annes.
Somerset.
Talbot.
Washington.
Wicomico.
Worcester.

MICHIGAN

Allegan.
Barry.
Berrien.
Branch.
Calhoun.
Cass.
Clinton.
Eaton.
Genesee.
Gratiot.
Hillsdale.
Ingham.
Ionia.
Isabella.
Jackson.
Kalamazoo.
Kent.
Lenawee.
Livingston.
Midland.
Monroe.
Montcalm.
Oakland.
Saginaw.
St. Joseph.
Shiawassee.
Van Buren.
Washtenaw.
Wayne.

MINNESOTA

Anoka.
Benton.
Big Stone.
Blue Earth.
Brown.
Carver.
Chippewa.
Chisago.
Cottonwood.
Dakota.
Dodge.
Douglas.
Faribault.
Fillmore.
Freeborn.
Goodhue.
Grant.
Hennepin.
Houston.
Jackson.
Kandiyohi.
Lac qui Parle.
Le Sueur.
Lincoln.
Lyon.
McLeod.
Martin.
Meeker.
Morrison.
Mower.
Murray.
Nicollet.
Nobles.
Olmsted.
Otter Tail.
Pipestone.
Pope.
Redwood.
Renville.
Rice.
Rock.
Scott.
Sherburne.
Sibley.
Stearns.
Steele.
Stevens.
Swift.
Todd.
Traverse.
Wabasha.
Waseca.
Washington.
Watsonwan.
Wilkin.
Winona.
Wright.
Yellow Medicine.

MISSOURI

Adair.
Andrew.
Atchison.
Audrain.
Barton.
Bates.
Benton.
Bollinger.
Boone.
Buchanan.
Caldwell.
Callaway.
Cape Girardeau.
Carroll.
Cass.
Charlton.
Clark.
Clay.
Clinton.
Cole.
Cooper.
Davless.
De Kalb.
Dunklin.
Franklin.
Gasconade.
Gentry.
Grundy.
Harrison.
Henry.
Holt.
Howard.
Jackson.
Jefferson.
Johnson.
Knox.
Lafayette.
Lewis.
Lincoln.
Linn.
Livingston.
Macon.
Marion.
Mercer.
Mississippi.
Monteau.
Monroe.
Montgomery.
Morgan.
New Madrid.
Nodaway.
Perry.
Pettis.
Pike.
Platte.
Putnam.
Ralls.
Randolph.
Ray.
St. Charles.
St. Clair.
St. Louis.
Ste. Genevieve.
Saline.
Schuyler.
Scotland.
Scott.
Shelby.
Stoddard.
Sullivan.
Vernon.
Warren.
Wayne.
Worth.

NEBRASKA

Adams.
Antelope.
Boone.
Boyd.
Buffalo.
Burt.
Butler.
Cass.
Cedar.
Clay.
Colfax.
Cuming.
Custer.
Dakota.
Dawson.
Dixon.
Dodge.
Douglas.
Fillmore.
Franklin.
Frontier.
Furnas.
Gage.
Garfield.
Gosper.
Greeley.
Hall.
Hamilton.
Harlan.
Holt.
Howard.
Jefferson.
Johnson.
Kearney.
Knox.
Lancaster.
Lincoln.
Madison.
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Nance.
Nemaha.
Nuckolls.
Otoe.
Pawnee.
Phelps.
Platte.
Polk.
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Richardson.
Saline.
Sarpy.
Saunders.
Seward.
Sherman.
Stanton.
Thayer.
Thurston.
Valley.
Washington.
Wayne.
Webster.
York.
Pierce.

NEW JERSEY

Cumberland.
Gloucester.
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Mercer.
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Somerset.
Warren.

NORTH CAROLINA

Beaufort.
Camden.
Chowan.
Craven.
Currituck.
Duplin.
Edgecombe.
Gates.
Greene.
Halifax.
Hertford.
Johnston.
Jones.
Lenoir.
Martin.
Nash.
Northampton.
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Pitt.
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Washington.
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NORTH DAKOTA

Richland.
Adams.
Allen.
Ashland.
Athens.
Augsborge.
Brown.
Butler.
Champaign.
Clark.
Clermont.
Clinton.
Cochecton.
Crawford.
Darke.
Defiance.
Delaware.
Erie.
Fairfield.
Fayette.
Franklin.
Fulton.
Greene.
Hamilton.
Hancock.
Hardin.
Henry.
Highland.
Hocking.
Holmes.
Huron.
Jackson.
Knox.
Lawrence.
Licking.
Logan.
Lorain.
Lucas.
Madison.
Marion.
Medina.
Mercer.
Miami.
Montgomery.
Morgan.
Morrow.
Muskogum.
Ottawa.
Paulding.
Perry.
Pickaway.
Pike.
Preble.
Putnam.
Richland.
Ross.
Sandusky.
Scioto.
Seneca.
Shelby.
Stark.
Tuscarawas.
Union.
Van Wert.
Vinton.
Warren.
Wayne.
Williams.
Wood.
Wyandot.

PENNSYLVANIA

Adams.
Berks.
Blair.
Bucks.
Carbon.
Centre.
Chester.
Clinton.
Columbia.
Cumberland.
Dauphin.
Delaware.
Franklin.
Fulton.
Huntingdon.
Juniata.
Lancaster.
Lebanon.
Lehigh.
Lycoming.
Mifflin.
Montgomery.
Montour.
Northampton.
Northumberland.
Perry.
Schuylkill.
Snyder.
Union.
York.

SOUTH DAKOTA

Aurora.
Beadle.
Bon Homme.
Brookings.
Brule.
Buffalo.
Charles Mix.
Clark.
Clay.
Codington.
Davison.
Day.
Deuel.
Douglas.
Grant.
Gregory.
Hamlin.
Hand.
Hanson.
Hutchinson.
Jerauld.
Kingsbury.
Lake.
Lincoln.
Lyman.
McCook.
Miner.
Minnehaha.
Moody.
Roberts.
Sanborn.
Spink.
Tripp.
Turner.
Union.
Yankton.

TENNESSEE

Cheatham.
Crockett.
Dyer.
Gibson.
Haywood.
Henry.
Lake.
Lauderdale.
Montgomery.
Obion.
Robertson.
Stewart.
Sumner.
Tipton.
Weakley.

VIRGINIA

Accomack.	Princess Anne.
Isle of Wight.	Southampton.
Nansemond.	Surry.
Norfolk.	Sussex.
Northampton.	

WEST VIRGINIA

Berkeley.	Jefferson.
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WISCONSIN

Adams.	Lafayette.
Buffalo.	Marquette.
Columbia.	Monroe.
Crawford.	Pepin.
Dane.	Pierce.
Dodge.	Polk.
Dunn.	Racine.
Eau Claire.	Richland.
Fond du Lac.	Rock.
Grant.	St. Croix.
Green.	Sauk.
Green Lake.	Trempealeau.
Iowa.	Vernon.
Jackson.	Walworth.
Jefferson.	Waukesha.
Juneau.	Wauwasha.
Kenosha.	Winnebago.
La Crosse.	

(Sec. 375, 52 Stat. 66, as amended; 7 U. S. C. 1375. Interpret or apply secs. 301, 327, 52 Stat. 38, 51, as amended; 7 U. S. C. 1301, 1327)

Done at Washington, D. C., this 22d day of December 1953.

[SEAL] EZRA TAFT BENSON,
Secretary of Agriculture.

[F. R. Doc. 53-10698; Filed, Dec. 24, 1953; 8:45 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Navel Orange Reg. 11]

PART 914—NAVEL ORANGES GROWN IN ARIZONA AND DESIGNATED PART OF CALIFORNIA

LIMITATION OF HANDLING

§ 914.311 *Navel Orange Regulation 11*—(a) *Findings*. (1) Pursuant to the marketing agreement and Order No. 14 (18 F. R. 5638) regulating the handling of navel oranges grown in Arizona and designated part of California, effective September 22, 1953, under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Navel Orange Administrative Committee, established under the said marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such navel oranges, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237, 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time

when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. The Navel Orange Administrative Committee held an open meeting on December 22, 1953, after giving due notice thereof, to consider supply and market conditions for navel oranges and the need for regulation; interested persons were afforded an opportunity to submit information and views at this meeting; the recommendation and supporting information for regulation during the period specified herein was promptly submitted to the Department after such meeting was held; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such navel oranges; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period herein specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed on or before the effective date of this section.

(b) *Order*. (1) The quantity of navel oranges grown in Arizona and designated part of California which may be handled during the period beginning at 12:01 a. m., P. s. t., December 27, 1953, and ending at 12:01 a. m., P. s. t., January 3, 1954, is hereby fixed as follows:

- (i) District 1. 800 carloads;
- (ii) District 2: 82.22 carloads;
- (iii) District 3: Unlimited movement;
- (iv) District 4. Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section "handler," "handler," "carloads," "prorate base," "District 1," "District 2," "District 3," and "District 4" shall have the same meaning as when used in said marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 23d day of December 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

[12:01 a. m., P. s. t., Dec. 27 to 12:01 a. m., P. s. t., Jan. 3, 1954]

NAVEL ORANGES

PRORATE DISTRICT NO. 1

Handler	Prorate base (percent)
Total	100.0000
A. F. G. Lindsay	1.6534
A. F. G. Porterville	2.1873
Ivanhoe Cooperative Association	.6668

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 1—continued

Handler	Prorate base (percent)
Anderson Packing Co.	1.1268
Euclid Avenue Orange Association	.4643
Lindsay Mutual Groves	1.4694
Martin Ranch	1.3871
Orange Cove Orange Growers	2.7554
Woodlake Packing House	1.7747
Doffemyer & Son, W. Todd	.4921
Earlbest Orange Association	1.6990
Elderwood Citrus Association	.7024
Exeter Citrus Association	3.2723
Exeter Orange Growers Association	1.5591
Exeter Orchards Association	1.5149
Hillside Packing Association	1.3354
Ivanhoe Mutual Orange Association	1.3054
Klink Citrus Association	3.9357
Lemon Cove Citrus Association	.8105
Lindsay Citrus Growers Association	2.2057
Lindsay Cooperative Association	1.3523
Lindsay Fruit Association	2.2500
Lindsay Orange Growers Association	.7703
Naranjo Packing House	1.4020
Orange Cove Citrus Association	4.0708
Orange Packing Co.	1.0130
Orosi Foothill Citrus Association	1.4707
Paloma Citrus Fruit Association	.7707
Rocky Hill Citrus Association	1.8713
Sanger Citrus Association	3.6942
Sequoia Citrus Association	.8090
Stark Packing Co.	2.0193
Visalia Citrus Association	2.4224
Waddell & Son	2.3801
Baird Neece Corp.	1.8830
Beattie Association, D. A.	.4741
Grand View Heights Citrus Association	3.0092
Magnolia Citrus Association	2.7610
Porterville Citrus Association, The	1.6226
Randolph Marketing Co.	1.8704
Richgrove-Jasmine Citrus Association	1.3218
Strathmore Cooperative Citrus Association	.9577
Strathmore District, Orange Association	1.0563
Strathmore Packing House Co.	2.1218
Sunflower Citrus Growers	3.1990
Sunland Packing House Co.	2.7521
Terra Bella Citrus Association	1.2717
Tule River Citrus Association	.8331
Baker Ranch Packing House	.4351
Batkins, Jr., Fred A.	.0500
California Citrus Groves, Inc., Ltd.	2.0545
Darby, Fred J.	.0235
Dubendorf, John	.1776
Evans Bros.	.2191
Far West Produce Distributors	.0009
Foothill Packing Co.	.3121
Friesen, Lawrence	.0078
Haas & Ferry	.1895
Harding & Leggett	1.9451
Independent Growers, Inc.	1.2530
Lo Bue Bros.	.7025
Maas, W. A.	.1157
Marks, W. & M.	.4185
Morin, Carl W.	.0203
Nickel, Edward	.0033
Orange Belt Fruit Distributors, Inc.	.7191
Paramount Citrus Association, Inc.	2.1800
Reimers, Don H.	.5332
Riverside Fruit Co.	.1544
Sequoia Cider Mill	.0167
Stephens & Cain	.5443
Tashjian, John	.0000
Zaninovich Bros., Inc.	1.7770

PRORATE DISTRICT NO. 2

Total	100.0000
A. F. G. Corona	.5632
A. F. G. Fullerton	.0205

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
A. F. G. Orange	0.0177
A. F. G. Riverside	1.4290
A. F. G. Santa Paula	.0469
Eadington Fruit Co.	.7265
Signal Fruit Association	1.2123
Anaheim Cooperative Orange Association	.0317
Bryn Mawr Mutual Orange Association	.4862
Chula Vista Mutual Lemon Association	.1060
Daniels, Inc., Ward	.3325
Euclid Avenue Orange Association	3.0564
Foothill Citrus Union, Inc.	.3787
Garden Grove Citrus Association	.0163
Index Mutual Association	.0106
La Verne Cooperative Citrus Association	2.9797
Olive Hillside Groves, Inc.	.0081
Redlands Foothill Groves	2.8326
Redlands Mutual Orange Association	1.3593
Azusa Citrus Association	.8322
Covina Citrus Association	2.0452
Glendora Citrus Association	1.6322
Valencia Heights Orchard Association	.2180
Gold Buckle Association	4.6135
La Verne Orange Association	4.6906
Anaheim Valencia Orange Association	.0121
Fullerton Mutual Orange Association	.4223
La Habra Citrus Association	.0859
Yorba Linda Citrus Association	.0803
El Cajon Valley Citrus Association	.1563
Escondido Orange Association	.6263
Citrus Fruit Growers	.4534
Cucamonga Mesa Growers	.8728
Etiwanda Citrus Fruit Association	.1538
Upland Citrus Association	3.2974
Upland Heights Orange Association	.0000
Consolidated Orange Growers	.0210
Garden Grove Citrus Association	.0202
Goldenwest Citrus Association	.1745
Olive Heights Citrus Association	.0596
Santiago Orange Growers Association	.0757
Villa Park Orchards Association	.0377
Bradford Bros., Inc.	.2014
Placentia Mutual Orange Association	.1642
Placentia Orange Growers Association	.2253
Yorba Orange Growers Association	.1642
Corona Citrus Association	1.1546
Jameson Co.	.5830
Orange Heights Orange Association	4.0214
Crafton Orange Growers Association	1.8451
East Highlands Citrus Association	.5365
Redlands Heights Groves	.9415
Redlands Orangedale Association	1.1544
Rialto Fontana Citrus Association	.2126
Bryn Mawr Fruit Growers Association	1.2675
Mission Citrus Association	.9409
Redlands Cooperative Fruit Association	2.2168
Redlands Orange Growers Association	1.5415
Redlands Select Groves	.5271
Rialto Orange Co.	.4534
Southern Citrus Growers	1.2010
United Citrus Growers	1.0932
Arlington Heights Citrus Co.	1.6726
Blue Banner, Inc.	2.5695
Brown Estate, L. V. W.	2.2594
Gavilan Citrus Association	2.1627

PRORATE BASE SCHEDULE—Continued

NAVEL ORANGES—continued

PRORATE DISTRICT NO. 2—continued

Handler	Prorate base (percent)
McDermont Fruit Co.	1.8324
Monte Vista Citrus Association	1.8323
National Orange Co.	1.0041
Riverside Highgrove Citrus Association	1.9009
Victoria Avenue Citrus Association	3.3036
Claremont Citrus Association	.6418
College Heights Orange and Lemon Association	2.1330
Indian Hill Citrus Association	1.0623
Walnut Fruit Growers	.6256
West Ontario Citrus Association	.8342
Escondido Cooperative Citrus Association	.1058
Camarillo Citrus Association	.0052
Fillmore Citrus Association	1.0637
Mupu Citrus Association	.0043
Ojai Orange Association	1.0261
Piru Citrus Association	1.1893
Rancho Sespe	.0013
San Fernando Fruit Growers Association	.4504
Santa Paula Orange Association	.0918
Ventura County Citrus Association	.0410
East Whittier Citrus Association	.0041
North Whittier Heights	.1312
Placentia Cooperative Orange Association	.2695
Sierra Madre-Lamanda Citrus Association	.0755
A. J. Packing Co.	.1562
Babyluce Corp. of California	.0430
Cherokee Citrus Co., Inc.	1.1318
Dunning, Vera Hueck	.1790
Evans Bros. Packing Co.	1.3303
Far West Produce Distributors	.0485
Gold Banner Association	2.4768
Gold Seal Producers, Inc.	.0719
Granada Packing House	.1330
Holland, M. J.	.0215
Orange Belt Fruit Distributors	.7221
Panno Fruit Co., Carlo	.0513
Paramount Citrus Association	.1086
Placentia Orchards Association	.0780
Riverside Fruit Co.	.4144
Spire, Frank S.	.0131
Wall, E. T.	2.1775
Western Fruit Growers, Inc.	5.2471

[F. R. Doc. 53-10752; Filed, Dec. 24, 1953; 8:51 a. m.]

[Lemon Reg. 517]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.624 *Lemon Regulation 517—*
 (a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953; 18 F. R. 6767) regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby

found that the limitation of the quantity of such lemons which may be handled, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237-5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on December 21, 1953 such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) *Order.* (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., December 27, 1953, and ending at 12:01 a. m., P. s. t., January 3, 1954, is hereby fixed as follows:

- (i) District 1: 40 carloads;
- (ii) District 2: 195 carloads;
- (iii) District 3: 15 carloads.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handler," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of December, 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 1

[Storage date: Dec. 20, 1953]

[12:01 a. m. Dec. 27, 1953, to 12:01 a. m. Jan. 10, 1954]

Handler	Prorate base (percent)
Total	100.000
Klink Citrus Association	25.677
Lemon Cove Association	20.144
Tulare County Lemon and Grapefruit Association	45.000
Harding & Leggett	3.698
Paramount Citrus Association	2.171
Zaninovich Bros., Inc.	3.310

DISTRICT NO. 2

Total 100.000

American Fruit Growers, Inc., Corona	.347
American Fruit Growers, Inc., Fullerton	.467
American Fruit Growers, Inc., Upland	.902
Buenaventura Lemon Co.	1.096
Consolidated Lemon Co.	.543
Ventura Pacific Co.	2.743
Chula Vista Mutual Lemon Association	.389
Euclid Lemon Association	.999
Index Mutual Association	.105
La Verne Cooperative Citrus Association	1.369
Ventura Coastal Lemon Co.	3.017
Ventura Processors	2.120
Glendora Lemon Growers Association	1.476
La Verne Lemon Association	.590
La Habra Citrus Association	.407
Yorba Linda Citrus Association	.272
Escondido Lemon Association	2.452
Cucamonga Mesa Growers	2.107
Etiwanda Citrus Fruit Association	1.175
San Dimas Lemon Association	2.051
Upland Lemon Growers Association	7.586
Central Lemon Association	.427
Irvine Citrus Association, The	.489
Placentia Mutual Orange Association	.640
Corona Citrus Association	.189
Corona Foothill Lemon Co.	1.767
Jameson Co.	.756
Arlington Heights Citrus Co.	.705
College Heights Orange & Lemon Association	4.747
Chula Vista Citrus Association, The	.581
Escondido Cooperative Citrus Association	.124
Fallbrook Citrus Association	1.245
Lemon Grove Citrus Association	.136
Carpinteria Lemon Association	3.154
Carpinteria Mutual Citrus Association	4.284
Goleta Lemon Association	4.360
Johnston Fruit Co.	5.820
Briggs Lemon Association	1.760
Fillmore Lemon Association	.798
Oxnard Citrus Association	4.797
Rancho Sespe	.360
San Fernando Heights Lemon Association	2.358
Santa Clara Lemon Association	4.848
Santa Paula Citrus Fruit Association	1.454
Saticoy Lemon Association	4.781

PRORATE BASE SCHEDULE—Continued

DISTRICT NO. 2—continued

Handler	Prorate base (percent)
Seaboard Lemon Association	5.307
Somis Lemon Association	3.711
Ventura Citrus Association	1.198
Ventura County Citrus Association	.406
Limoneira Co.	2.692
Teague-McKevett Association	.601
East Whittier Citrus Association	.088
Murphy Ranch Co.	.180
North Whittier Heights Citrus Association	.168
Sierra Madre-Lamanda Citrus Association	.676
Dunning Ranch	.000
Far West Produce Distributors	.077
Huarte, Joseph D.	.008
Paramount Citrus Association, Inc.	1.958
Santa Rosa Lemon Co.	.141

DISTRICT NO. 3

Total 100.000

Consolidated Citrus Growers	2.317
Phoenix Citrus Packing Co.	5.665
Pioneer Fruit Co.	6.939
Arizona Citrus Growers	43.834
Desert Citrus Growers Co.	11.790
Tempeco Groves	10.246
Arlington Heights Citrus Co.	5.531
James Macchiaroli Fruit Co.	1.454
Morris Bros. Fruit Co.	10.734
Mutual Citrus Products Co.	.000
Sunny Valley Citrus Packing Co.	1.490
Valley Citrus Packing Co.	.000

[F. R. Doc. 53-10723; Filed, Dec. 24, 1953; 8:49 a. m.]

[1957.310 Amdt. 4]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, effective under the applicable provision of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and order, as amended, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise

prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this section, (iii) compliance with this section will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 959.310 (b) (1) (FEDERAL REGISTER, June 13, July 23, and August 4 and 12, 1953; 18 F. R. 3380, 4280, 4552, 4761) are hereby amended to read as follows:

(b) **Order** (1) During the period December 28, 1953, to May 31, 1954, both dates inclusive, no handler shall ship (i) potatoes of the Russet Burbank or Netted Gem varieties unless such potatoes meet the requirements of the U. S. No. 1, or better grade, size A, 2 inch or 4 ounce minimum, (ii) any other grades of Russet Burbank or Netted Gem varieties of potatoes, up to but not including U. S. No. 1 grade, unless such potatoes meet the requirements of U. S. No. 2, or better grade, 8 ounce minimum weight, or (iii) potatoes of any other varieties unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 2 inch minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title) including the tolerances set forth therein.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 22d day of December 1953.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 53-10726; Filed, Dec. 24, 1953; 8:50 a. m.]

[1959.309 Amdt. 4]

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, JEFFERSON, KLAMATH, AND LAKE IN OREGON, AND MODOC AND SISKIYOU IN CALIFORNIA

LIMITATION OF SHIPMENTS

Findings. 1. Pursuant to Marketing Agreement No. 114 and Order No. 59, as amended (7 CFR Part 959), regulating the handling of Irish potatoes grown in the counties of Crook, Deschutes, Jefferson, Klamath, and Lake in the State of Oregon, and Modoc and Siskiyou in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) and upon the basis of the recommendation and information submitted by the Oregon-California Potato Committee, established pursuant to said marketing agreement and amended order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend

to effectuate the declared policy of the act.

2. It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U. S. C. 1001 et seq.) in that (i) the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the act is insufficient, (ii) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment, (iii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date, and (iv) information regarding the committee's recommendations has been made available to producers and handlers in the production area.

Order as amended. The provisions of § 959.309. (b) (1) (3) (4) and (5) FEDERAL REGISTER, August 29, October 22, November 10, and December 5 and 19, 1953; 18 F. R. 5163, 6697, 7055, 7844, 8567) are hereby amended to read as follows:

(b) *Order* (1) During the period December 28, 1953 to June 30, 1954, both dates inclusive, no handler shall ship (i) potatoes of the Russet Burbank or Netted Gem varieties unless such potatoes meet the requirements of the U. S. No. 1, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, (ii) any other grades of Russet Burbank or Netted Gem varieties of potatoes, up to but not including the U. S. No. 1 grade, unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 8 ounces minimum weight, or (iii) potatoes of any other varieties unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 2 inches minimum diameter or 4 ounces minimum weight, as such terms, grades, and sizes are defined in the U. S. Standards for potatoes (§ 51.366 of this title) including the tolerances set forth therein.

(3) During the period December 28, 1953 to June 30, 1954, both dates inclusive, no handler shall ship potatoes for dehydration, or manufacture or conversion into starch, flour, or alcohol unless such potatoes meet the requirements of the U. S. No. 2, or better grade, 1½ inches minimum diameter, as such terms, grades, and sizes are defined in the U. S. Standards for Potatoes (§ 51.366 of this title), including the tolerances set forth therein.

(4) The limitations set forth in subparagraph (1) of this paragraph shall not be applicable to shipments of potatoes for the following purposes: (i) Grading or storing in the production area, (ii) seed, (iii) canning or freezing, (iv) charity, and (v) livestock feed within the production area.

(5) Each handler making shipments of potatoes pursuant to subparagraphs

(3) and (4) of this paragraph shall (except for shipments of potatoes for grading or storing in the production area, and shipments of potatoes for livestock feed within the production area) (i) file an application with the committee pursuant to § 959.130 for permission to make such shipments, (ii) pay assessments on such shipments pursuant to § 959.41, and (iii) have such shipments (except shipments of seed potatoes) inspected pursuant to § 959.60, and for each shipment made pursuant to subparagraph (3) and subdivisions (iii) and (iv) of subparagraph (4) of this paragraph shall furnish a record of shipment applicable thereto to the committee: *Provided*, That each application to ship potatoes made pursuant to subparagraph (3) and subdivisions (iii) and (iv) of subparagraph (4) of this paragraph shall be accompanied by the applicant handler's certification and buyer's certification that the potatoes to be shipped are to be used for the purpose stated in the application; *And provided further*, That each handler agrees in his application to furnish a copy of the bill of lading on each such shipment and to bill each such shipment directly to the applicable processor.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 605c)

Done at Washington, D. C., this 22d day of December 1953.

[SEAL]

S. R. SMITH,
Director,
Fruit and Vegetable Branch.

[F. R. Doc. 53-10727; Filed, Dec. 24, 1953; 8:50 a. m.]

[Docket No. AO-166-A17]

PART 965—MILK IN THE CINCINNATI,
OHIO, MARKETING AREA

SUBPART—ORDER REGULATING HANDLING

Sec.

965.0 Findings and determinations.

DEFINITIONS

965.1 Act.
965.2 Secretary.
965.3 Cincinnati, Ohio, marketing area.
965.4 Person.
965.5 Route.
965.6 Fluid milk plant.
965.7 Pool plant.
965.8 Producer.
965.9 Handler.
965.10 Producer milk.
965.11 Emergency milk.

MARKET ADMINISTRATOR

965.20 Designation.
965.21 Powers.
965.22 Duties.

REPORTS, RECORDS, AND FACILITIES

965.30 Reports of handlers to market administrator.
965.31 Verification of handler reports.
965.32 Reports of market administrator to cooperative associations.
965.33 Records and facilities.
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CLASSIFICATION

965.40 Basis of classification.
965.41 Classes of utilization.
965.42 Responsibility of handlers and reclassification of milk.

Sec.

965.43 Transfers.
965.44 Shrinkage.
965.45 Computation of milk and butterfat in each class.
965.46 Allocation of milk and butterfat classified.

MINIMUM PRICES

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DETERMINATION OF UNIFORM PRICES

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965.61 Computation of obligation to the producer-settlement fund for handlers operating a fluid milk plant which is not a pool plant.
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PAYMENT FOR MILK

965.70 Payments to producers.
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EFFECTIVE TIME, SUSPENSION OR TERMINATION

965.80 Effective time.
965.81 Suspension or termination.
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965.83 Liquidation after suspension or termination.

MISCELLANEOUS PROVISIONS

965.90 Agents.
965.91 Separability of provisions.

AUTHORITY: §§ 965.0 to 965.91 issued under sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 603c.

§ 965.0 *Findings and determinations.* The findings and determinations herein after set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto; and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), a public hearing was held upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order,

as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping the milk covered by this order, as amended) of more than 50 percent of the volume of milk covered by the aforesaid order, as amended and as hereby further amended, which is marketed within the Cincinnati, Ohio, marketing area, refused or failed to sign the marketing agreement regulating the handling of milk in the said marketing area; and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order, amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area, and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (August 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the Cincinnati, Ohio, marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended; and the aforesaid order, as amended, is hereby further amended as follows:

DEFINITIONS

§ 965.1 *Act.* "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 *et seq.*)

§ 965.2 *Secretary.* "Secretary" means the Secretary of Agriculture of the United States or any other employee of the United States authorized to exer-

cise the powers and to perform the duties of the said Secretary of Agriculture.

§ 965.3 *Cincinnati, Ohio, marketing area.* "Cincinnati, Ohio, marketing area," hereinafter called the "marketing area," means the city of Cincinnati, Ohio, and the territory geographically included within the boundary lines of Hamilton County, Ohio.

§ 965.4 *Person.* "Person" means any individual, partnership, corporation, association, or any other business unit.

§ 965.5 *Route.* "Route" means a delivery (including a sale from a store) of milk, flavored milk drinks, or cream in fluid form to a wholesale or retail stop(s) other than to a milk processing plant(s)

§ 965.6 *Fluid milk plant.* "Fluid milk plant" means a plant or other facilities used in preparation or processing of milk all or a portion of which is disposed of on routes operating wholly or partially in the marketing area.

§ 965.7 *Pool plant.* "Pool plant" means:

(a) A fluid milk plant as described in § 965.6 located in the marketing area;

(b) A fluid milk plant located outside the marketing area and disposing of not less than 10 percent of its entire route disposition of Class I milk on routes operating wholly or partially within the marketing area; or

(c) A plant, receiving milk from dairy farms, which the market administrator determines has moved to a plant(s) described under paragraph (a) or (b) of this section an amount of milk equal to not less than one percent of the total Class I utilization of plants described in paragraphs (a) and (b) of this section during the second month preceding such movement as specified in the following schedule:

Months milk is moved:	Months plant is pool plant
One of the months of October and November.	November.
Two of the months of October, November, and December.	December.
Three of the months of October, November, December, and January.	January through October.

Provided, That upon written request to the market administrator by the operator of a plant which is a pool plant pursuant to this paragraph for the discontinuance of such plant as a pool plant, such plant shall cease to be a pool plant in the first month, following such request, during which no milk is moved to a plant described in paragraph (a) or (b) of this section and shall not become a pool plant until such plant again meets the requirements for a pool plant pursuant to this paragraph.

§ 965.8 *Producer.* "Producer" means any person operating a dairy farm, producing milk under a dairy farm permit issued by an appropriate health authority, which is received at a "pool plant" described in § 965.7 or diverted from a pool plant by a cooperative association: *Provided,* That any producer whose milk has been approved as "Grade A milk" by

an appropriate health authority for any month, or portion thereof, shall be a "Grade A producer" for such month, and any producer whose milk has not been so approved shall be a "Grade B producer."

§ 965.9 *Handler.* "Handler" means (a) any person who: (1) Operates a pool plant; or (2) operates a nonpool plant and either directly or indirectly disposes of Class I or Class II milk, on a route extending into the marketing area; or (b) any cooperative association with respect to the milk of any producer(s) whose milk has been received previously at a pool plant described in § 965.7 which milk has been caused to be diverted by a cooperative association, to a plant from which no milk is disposed of in the marketing area, if payment therefor has been collected by such association, and such milk shall be deemed to have been received from producers by such cooperative association.

§ 965.10 *Producer milk.* "Producer milk" means milk produced by one or more producers under the conditions set forth in § 965.8.

§ 965.11 *Emergency milk.* "Emergency milk" means milk or skim milk other than producer milk in excess of the milk and skim milk, respectively, used in Class III milk and Class IV milk received by a handler under a permit to receive such milk or skim milk issued to him by an appropriate health authority during months when receipts of producer milk or skim milk of the individual handler are less than 120 percent of such handler's Class I utilization of milk or skim milk, respectively.

MARKET ADMINISTRATOR

§ 965.20 *Designation.* The agency for the administration of this subpart shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 965.21 *Powers.* The market administrator shall have the power to:

(a) Administer the terms and provisions of this subpart;

(b) Report to the Secretary complaints of violations of the provisions of this subpart;

(c) Make rules and regulations to effectuate the terms and provisions of this subpart; and

(d) Recommend to the Secretary amendments to this subpart.

§ 965.22 *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(a) Within 45 days following the date on which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(c) Pay, out of the funds provided by § 965.74, the cost of his bond and of the bonds of those of his employees who handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(d) Keep such books and records as will clearly reflect the transactions provided for herein, and surrender the same to his successor or to such other person as the Secretary may designate;

(e) Publicly disclose to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, within 2 days after the date upon which he is required to perform such acts, has not made reports pursuant to § 965.30 or has not made payments pursuant to §§ 965.70 and 965.72;

(f) Promptly verify the information contained in the reports submitted by handlers;

(g) Furnish such information and verified reports as the Secretary may request, and submit his books and records to examination by the Secretary at any and all times; and

(h) Publicly announce, by posting in a conspicuous place in his office and by such other means as he deems appropriate, the prices determined for each month as follows:

(1) On or before the 5th day after the end of such month, the minimum class prices computed pursuant to § 965.51 and the butterfat differentials computed pursuant to § 965.52; and

(2) On or before the 20th day after the end of such month the uniform prices computed pursuant to § 965.64, and the producer butterfat differential.

REPORTS, RECORDS AND FACILITIES

§ 965.30 *Reports of handlers to market administrator* Each handler, under his own signature or under that of a person certified by such handler to the market administrator as being authorized to sign the reports required by this section, shall report to the market administrator, in detail and on forms prescribed by the market administrator as follows:

(a) On or before the 10th day after the end of each month, each handler who receives milk from producers shall report with respect to all milk, skim milk, cream and milk products received by him during the month:

(1) The receipts at each plant from producers, from his own production, and from other handlers;

(2) The receipts of emergency milk, the date or dates upon which such milk was received during the month, the plant from which such milk was shipped, the price per hundredweight paid or to be paid for such milk;

(3) The receipts from any other source together with the butterfat content;

(4) The utilization of all receipts during the month;

(5) The name and address of each new producer; and

(6) His producer payroll, which shall show for each producer the total receipts of milk with the average butterfat test

thereof, the amount of the advance payment to such producer made pursuant to § 965.70 and the deductions and charges made by the handler.

(b) Each handler who receives no milk from producers shall make reports to the market administrator at such times and in such manner as the market administrator may request.

§ 965.31 *Verification of handler reports.* Each handler shall make available to the market administrator or to his agent, or to such other person as the Secretary may designate, those records which are necessary for the verification of the information contained in the reports submitted pursuant to § 965.30, and those facilities which are necessary for the sampling, weighing, and testing of the milk of each producer.

§ 965.32 *Reports of market administrators to cooperative associations.* On or before the 13th day after the end of each month, the market administrator shall report to each cooperative association the amount and class utilization of milk caused to be delivered by such association, either directly or from producers who have authorized such association to receive payments for them under § 965.73 (b) to each handler to whom the cooperative association sells milk. For the purpose of this report the milk so received shall be prorated to each class in the proportions that the total receipts of milk from producers by such handler were used in each class.

§ 965.33 *Records and facilities.* Each handler required to make reports to the market administrator shall maintain, and make available to the market administrator during the usual hours of business, such accounts and records of his operations and such facilities as in the opinion of the market administrator are necessary to verify reports, or to ascertain the correct information with respect to (a) the receipts and utilization of all skim milk and butterfat received, including all milk products received and disposed of in the same form; (b) the weights and tests for butterfat, and for other contents, of all milk and milk products handled; and (c) payments to producers and cooperative associations.

§ 965.34 *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such three-year period, the market administrator notifies a handler in writing that the retention of such books and records or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are

no longer necessary in connection therewith.

CLASSIFICATION

§ 965.40 *Basis of classification.* Milk received by each handler, including milk produced by him, shall be classified by the market administrator in the classes set forth in § 965.41 subject to the provisions of §§ 965.42, 965.43 and 965.44.

§ 965.41 *Classes of utilization.* The classes of utilization of milk and butterfat shall be as follows:

(a) Class I milk shall be (1) all milk and skim milk disposed of in the form of milk and milk drinks; (2) all milk and skim milk used to produce concentrated milk (excluding those products commonly known as evaporated milk and condensed milk) for fluid consumption; (3) all milk and skim milk disposed of in the form of any product containing less than 8.0 percent of butterfat not specified in Class II milk, Class III milk, or Class IV milk; or (4) all shrinkage of butterfat in receipts of butterfat from producers and emergency milk in excess of 2.5 percent of such receipts.

(b) Class II milk shall be all milk and skim milk disposed of as buttermilk, cream for consumption as cream, and any product containing 8.0 percent or more of butterfat not specified in Class I milk, Class III milk or Class IV milk.

(c) Class III milk shall be all milk (1) disposed of as plain or sweetened, condensed or evaporated milk, spray or roller powder, margarine, animal feed, all cheese, commercially manufactured candy, eggnog, and whipped cream and whipped cream substitutes; (2) used to produce ice cream, ice cream mix and frozen desserts; (3) dumped or spilled; and (4) in inventory variations; and all butterfat in shrinkage up to 2.5 percent of total receipts of butterfat in producer milk and in emergency milk and in shrinkage of butterfat in milk other than producer milk or emergency milk.

(d) Class IV milk shall be all milk disposed of as butter.

§ 965.42 *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification as required in §§ 965.41 and 965.43, the burden rests upon the handler to account for all milk and milk products received by him and to prove to the market administrator that such milk, or milk products, should not be classified as Class I milk.

(b) Any milk or milk product classified in one class shall be reclassified if such milk or milk product is later used or disposed of by any handler in another class, in accordance with such later use or disposition.

§ 965.43 *Transfers.* (a) Milk and skim milk transferred from a pool plant to another pool plant shall be Class I milk, and cream so transferred shall be Class II milk, unless another class use is indicated in writing to the market administrator by the operators of both plants on or before the 10th day after the end of the month within which such transfer was made: *Provided*, That if either or both plants have received milk other than producer milk or emergency milk, the milk, skim milk or cream so transferred shall be classified at both

plants so as to allocate the highest possible utilization to producer milk.

(b) Milk or skim milk transferred from a pool plant to a plant other than a pool plant shall be classified as Class I milk and cream so transferred shall be Class II milk: *Provided*, That if the operator of the pool plant on or before the 10th day after the end of the month furnishes to the market administrator a statement, which is signed by the operators of both plants, that such milk, skim milk, or cream was used in a lower class, such milk, skim milk, or cream shall be classified accordingly subject to verification by the market administrator: *And provided further* That in making such verification for months other than April, May, June, July, and August, the market administrator will assign milk, skim milk, or cream so transferred to the highest use classification in the plant or the receiver.

§ 965.44 *Shrinkage*. The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of butterfat for each handler; and

(b) Prorate the resulting amounts between the receipts of butterfat in producer milk and in milk other than producer milk.

§ 965.45 *Computation of milk and butterfat in each class*. For each month, the market administrator shall correct for mathematical and for obvious errors the report submitted by each handler and compute the total pounds of milk and butterfat, respectively, in Class I milk, Class II milk, Class III milk, and Class IV milk for such handler.

§ 965.46 *Allocation of milk and butterfat classified*. The pounds of milk and butterfat remaining in each class after making the following computations shall be the pounds of milk and butterfat, respectively, in such class allocated to producer milk:

(a) The pounds of milk in Class III shall be decreased by any excess of utilization of all classes over total receipts and shall be increased by any excess of total receipts over total utilization of all classes.

(b) Subtract from the pounds of butterfat in Class III the pounds of producer butterfat in plant shrinkage which is not in excess of 2.5 percent of all butterfat received from producers and in emergency milk.

(c) Subtract from the remaining pounds of milk and butterfat, respectively, in each class, the pounds of milk and butterfat, respectively, received from other handlers, in the classes transferred pursuant to § 965.43.

(d) Subtract from the remaining pounds of milk and butterfat, respectively, in series beginning with the lowest-priced use available, the pounds of milk and butterfat, respectively, except emergency milk, received other than producer milk.

(e) Add to the Class III butterfat the pounds of butterfat subtracted pursuant to paragraph (b) of this section.

(f) Subtract pro rata out of the remaining pounds of milk and butterfat,

respectively, in each class, the total pounds of emergency milk and butterfat.

(g) If the pounds of butterfat remaining in all classes exceed the pounds of butterfat received from producers, subtract such excess from the remaining pounds of butterfat in each class in series beginning with the lowest-priced class.

MINIMUM PRICES

§ 965.50 *Basic formula price*. The basic formula price per hundredweight of milk to be used in computing the minimum prices for Class I milk and Class II milk shall be the higher of the prices computed by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) The average of the basic (or field) prices per hundredweight ascertained to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during such month at the following plants or places for which prices are reported to the market administrator or to the United States Department of Agriculture:

Company and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price per hundredweight computed by the market administrator by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply by 3.5 the simple average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the United States Department of Agriculture during the month for which payment is to be made, and add 20 percent thereof;

(2) From the simple average as computed by the market administrator of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area as published for the period from the 26th day of the immediately preceding month through the 25th day of the current month by the United States Department of Agriculture, deduct 5.5 cents and multiply the result by 8.2.

§ 965.51 *Class prices*. Each handler shall pay, at the time and in the manner set forth in § 965.72, not less than the following prices per hundredweight, on the basis of milk of 3.5 percent butterfat content, for the respective quantities

of milk in each class computed pursuant to § 965.46:

(a) The price for Class I milk shall be the basic formula price, plus \$1.05 for the months of April through July and \$1.35 for the months of August through March, plus or minus "a supply-demand adjustment" computed as follows:

(1) Divide the total gross volume of Class I milk (less interhandler transfers) in the second and third months preceding by total receipts of producer milk for the same months, multiply the result by 100, and round to the nearest whole number. The result shall be known as the Class I utilization percentage.

(2) Compute a "net utilization percentage" by subtracting from the utilization percentage as computed in subparagraph (1) of this paragraph, the Class I utilization percentage shown below:

Month for which the price is being computed:	Class I utilization percentage
January	73
February	76
March	74
April	70
May	63
June	56
July	47
August	44
September	45
October	47
November	54
December	64

(3) Determine the amount of the supply-demand adjustment as follows:

If net utilization percentage is—	Supply-demand adjustment for specified months is—			
	Jan., Feb., Mar., Aug., and Sept.	Apr., May, June, July	Oct., Nov., and Dec.	
	Cents	Cents	Cents	
+12 or over	+38	+25	+20	
+9 or +10	+28	+19	+13	
+6 or +7	+20	+13	+9	
+3 or +4	+10	+7	+4	
+1 or -1	0	0	0	
-3 or -4	-10	-14	-7	
-6 or -7	-20	-20	-13	
-9 or -10	-28	-25	-19	
-12 or -13	-38	-30	-25	
-15 or -16	-38	-30	-31	
-18 or -19	-38	-30	-37	
-21 or -22	-38	-30	-43	
-24 or under	-38	-30	-50	

When the difference from the base period Class I utilization percentage does not fall within the tabulated brackets the adjustment shall be determined by the adjacent bracket which is the same as or nearest to the bracket used in the previous month: *Provided*, That the Class I differential adjusted pursuant to this subparagraph for the month of July shall not be more than such adjusted differential for the immediately preceding month of June and for each of the months of August and September the Class I differential adjusted pursuant to this subparagraph shall not be more than such adjusted differential for the immediately preceding month of June plus 30 cents; and the Class I differential adjusted pursuant to this subparagraph for each of the months of December, January and February shall not be less than the adjusted differential for the immediately preceding month of November.

(b) The price for Class II milk shall be the price for Class I milk minus \$0.45.

(c) The price for Class III milk during each of the months of March through September shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph; and the price for Class III milk during each of the months of October through February, shall be the higher of the prices computed pursuant to subparagraphs (1) and (2) of this paragraph, plus 30 cents.

(1) The price as computed pursuant to § 965.50 (b)

(2) The simple average, as computed by the market administrator, of the basic or field prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received from farmers during the month at the following plants:

M and R Dietetic Laboratories, Inc., Chillicothe, Ohio.

Carnation Milk Co., Hillsboro, Ohio.

Nestles Milk Products, Inc., Greenville, Ohio.

Nestles Milk Products, Inc., (Osgood Milk Co.) Osgood, Indiana.

Carnation Milk Co., Maysville, Ky.

(d) The price for Class IV milk shall be the price of Class III milk less 17.5 cents.

§ 965.52 *Butterfat differentials to handlers.* If the weighted average butterfat test of producer milk which is classified in any class, respectively, for any handler, is more or less than 3.5 percent, there shall be added to or subtracted from, as the case may be, from the price for such class, for each one-tenth of one percent that such weighted average butterfat test is above or below 3.5 percent, a butterfat differential calculated by the market administrator as follows: For Class I, Class II and Class III, determine the percent of the alternate basic formula price as computed pursuant to § 965.50 (b) represented by the sum computed pursuant to § 965.50 (b) (1) apply the percentage so determined to the respective Class I, Class II and Class III prices for 3.5 percent milk computed pursuant to § 965.51 (a) (b) and (c) and divide by 35, the resulting sum (to the nearest hundredth of a cent) shall be the handler butterfat differential for each class, respectively. The handler butterfat differential for Class IV milk shall be such differential for Class III milk less 0.5 cent.

DETERMINATION OF UNIFORM PRICES

§ 965.60 *Computation of value of milk for each handler.* The value of the milk received from producers during each month by each handler shall be a sum of money computed by the market administrator by multiplying the hundredweight of milk in each class by the applicable class prices, subject to the butterfat differential provided in § 965.52 and adding any amount resulting from the following computation: Multiply the pounds of butterfat subtracted pursuant to § 965.46 (g) by the price for the applicable class adjusted by the applicable butterfat differential.

§ 965.61 *Computation of obligation to the producer-settlement fund for han-*

dlers operating a fluid milk plant which is not a pool plant. For each month, the obligation to the producer-settlement fund for each handler operating a fluid milk plant which is not a pool plant shall be computed by the market administrator by multiplying by the difference between the Class I and the Class III prices, the hundredweight of milk disposed of as Class I milk by such handler on routes operating within the marketing area less the hundredweight of Class I milk purchased by such handler during the month from a pool plant. On or before the 13th day after the end of each month, the market administrator shall notify each such handler of the amount so computed for him subject to adjustment pursuant to § 965.62 and on or before the 17th day after the end of each month each such handler shall make payment to the market administrator.

§ 965.62 *Correction of errors.* If, in the verification of reports submitted by a handler, the market administrator discovers errors in such reports which result in payment due the producer-settlement fund or the handler for any previous month, there shall be added or subtracted as the case may be, the amount necessary to correct such errors.

§ 965.63 *Notification to handler of the value of his milk.* On or before the thirteenth day after the end of each month, the market administrator shall notify each handler of the value of milk computed for him in accordance with § 965.60 and of any adjustments pursuant to § 965.62.

§ 965.64 *Computation of uniform prices for Grade A producers and Grade B producers—(a) Computation of uniform price for Grade A producers.* For each month, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade A producers as follows:

(1) Add together the values of milk as computed pursuant to § 965.60 for handlers other than those in arrears in payment (other than in payment for any amount pursuant to § 965.62) to the producer-settlement fund as required by § 965.72 for the preceding month;

(2) Subtract, if the weighted average butterfat test of all milk received from producers by handlers whose milk is represented in the sum computed under subparagraph (1) of this paragraph, is greater than 3.5 percent, or add, if the weighted average butterfat test of such milk is less than 3.5 percent, an amount computed as follows: Multiply the hundredweight of such milk by the difference of its weighted average butterfat test from 3.5 percent, and multiply the resulting amount by 50 cents if the average price of butter, described under § 965.50 (b) (1) was more than 40 cents but not more than 50 cents, such amount (50 cents) to be increased or decreased, as the case may be, by 10 cents for each 10-cent range in such price of butter above or below the range "more than 40 cents but not more than 50 cents";

(3) Add the unobligated balance in the producer-settlement fund;

(4) Add an amount computed by multiplying the total hundredweight of milk received from Grade B producers by \$0.40;

(5) Divide by the total hundredweight of milk of all producers represented in the sum computed pursuant to subparagraph (1) of this paragraph; and

(6) Subtract from the figure obtained in subparagraph (5) of this paragraph not less than 4 cents or more than 5 cents per hundredweight for the purpose of retaining a cash balance to provide against errors in reports and in payments by handlers. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade A producers.

(b) *Computation of uniform price for Grade B producers.* For each delivery period, the market administrator shall compute the uniform price per hundredweight of milk received by handlers from Grade B producers as follows: From the uniform price computed pursuant to paragraph (a) (6) of this section subtract 40 cents. The result shall be known as the uniform price per hundredweight for such month for milk (on the basis of 3.5 percent of butterfat) received from Grade B producers.

PAYMENT FOR MILK

§ 965.70 *Payments to producers.* On or before the 5th day after the end of each month, each handler shall pay, with respect to all milk received during the month, \$1.00 per hundredweight of milk to each producer: *Provided*, That in the event the total amount of deductions and charges authorized by any producer against payments due such producer for the month next preceding is greater than the payment computed for such producer pursuant to § 965.73 (a) with respect to the milk received from such producer during such preceding month, the handler may deduct from the payment required by this section a sum equal to the difference between such amounts.

§ 965.71 *Producer-settlement fund.* The market administrator shall maintain a separate fund, known as the producer-settlement fund, in which he shall deposit all payments made pursuant to §§ 965.61 and 965.72 and from which he shall make all payments pursuant to § 965.73.

§ 965.72 *Payment to producer-settlement fund.* On or before the 17th day after the end of each month, each handler shall pay to the market administrator the amount of money which represents the value of milk for such month of which he is notified pursuant to § 965.63 less the amount paid out to each producer in accordance with § 965.70, and less the amount of the deductions and charges authorized by such producer which are itemized on the handler's producer payroll: *Provided*, That in the calculation of the total amount of such deductions and charges to be subtracted, the deductions and charges to be considered with respect to each individual producer shall not be greater than an amount which, when added to the payment made to such producer in accordance with § 965.70 (inclusive of the

deductions and charges authorized by § 965.70) will not exceed the total value of the milk received from such producer.

§ 965.73 *Payments from producer-settlement fund.* (a) For each month the market administrator shall compute the payment due each producer for milk received during such month from such producer by a handler who made the payments for such month pursuant to § 965.72 by multiplying the hundred-weight of such milk by the uniform price computed pursuant to § 965.64 adjusted to the butterfat test of such milk by adding or subtracting, respectively, for each one-tenth of one percent that the butterfat content of such milk is above or below 3.5 percent one-tenth of the rate provided in § 965.64 (a) (2) and subtracting any charges and deductions made pursuant to § 965.72.

(b) On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, to each cooperative association authorized to receive payments due producers who market their milk through such cooperative association, the aggregate of payments calculated pursuant to paragraph (a) of this section, for all producers certified to the market administrator by such cooperative association as having authorized such cooperative association to receive such payments. On or before the 20th day after the end of each month, the market administrator shall pay, subject to the provisions of § 965.75, direct to each producer who has not authorized a cooperative association to receive payments for such producer, the amount of the payment calculated for such producer pursuant to paragraph (a) of this section.

§ 965.74 *Expense of administration.* As his pro rata share of the expense incurred in the maintenance and functioning of the office of the market administrator and in the performance of the duties of the market administrator, each handler shall pay to the market administrator, on or before the 17th day after the end of each month, 2 cents per hundredweight or such lesser amount as the Secretary may from time to time prescribe, with respect to all milk received from producers and produced by him during the month: *Provided*, That any cooperative association which has handled milk during the month under the conditions set forth in § 965.9, shall pay such pro rata share of expense of administration on only that quantity of milk so handled.

§ 965.75 *Marketing services.* (a) The market administrator shall deduct an amount not exceeding 6 cents per hundredweight (the exact amount to be determined by the market administrator) from the payments made pursuant to § 965.73 (b), with respect to the milk of those producers for whom the marketing services set forth in paragraph (b) of this section are not being performed by a cooperative association which the Secretary determines to be qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," for the pur-

pose of performing the services set forth in paragraph (b) of this section.

(b) The moneys received by the market administrator pursuant to paragraph (a) of this section shall be expended by the market administrator for market information to, and for the verification of weights, samples, and tests of milk of, producers for whom a cooperative association, as described in paragraph (a) of this section, is not performing the same services on a comparable basis, as determined by the market administrator, subject to review of the Secretary.

§ 965.77 *Termination of obligation.*

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to a cooperative association, the name of such producers or cooperative association, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this subpart, to make available to the market administrator or his representatives all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this subpart to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including de-

duction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files, pursuant to section 8c (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION.

§ 965.80 *Effective time.* The provisions of this subpart, or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated.

§ 965.81 *Suspension or termination.* Any or all provisions of this subpart, or amendments to this subpart, shall be suspended or terminated as to any or all handlers after such reasonable notice as the Secretary may give, and shall terminate in any event, whenever the provisions of the act authorizing it cease to be in effect.

§ 965.82 *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations arising under this subpart, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or by any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate. The market administrator, or such person as the Secretary may designate, shall continue in such capacity until removed by the Secretary; account from time to time for all receipts and disbursements and, when so directed by the Secretary, deliver all funds on hand, together with the books and records of the market administrator or such other person to such person as the Secretary shall direct and execute, if so directed by the Secretary, such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

§ 965.83 *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions of this subpart the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions of this subpart, over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

§ 965.90 *Agents.* The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

§ 965.91 *Separability of provisions.* If any provision of this subpart, or its application to any person or circumstances, is held invalid the application of such provisions, and of the remaining provisions of this subpart, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D. C., this 22d day of December to be effective on and after the 1st day of February 1954.

[SEAL] JOHN H. DAVIS,
Assistant Secretary of Agriculture.

[F. R. Doc. 53-10724; Filed, Dec. 24, 1953; 8:49 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry, Department of Agriculture

Subchapter C—Interstate Transportation of Animals and Poultry

[B. A. I. Order 383, Revised, Amdt. 14]

PART 76—HOG CHOLERA, SWINE PLAGUE, AND OTHER COMMUNICABLE SWINE DISEASES

SUBPART B—VESICULAR EXANTHEMA

DESIGNATION OF AREAS IN WHICH SWINE ARE AFFECTED WITH VESICULAR EXANTHEMA

Pursuant to the authority conferred upon the Administrator of the Agricultural Research Administration by § 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637) § 76.27a of said Subpart B (18 F. R. 3829, as amended) is hereby amended to read as follows:

§ 76.27a *Designation of areas in which swine are affected with vesicular exanthema.* The following areas are hereby designated as areas in which swine are affected with vesicular exanthema:

The State of California;
The Town of Manchester in Hartford County, in Connecticut;

That area in Fulton County lying south and west of State Highways Nos. 139 and 154 and west of U. S. Highway No. 29 excluding Fort McPherson, in Georgia;

Androscoggin, Cumberland, Kennebec, and York Counties, in Maine;

That area consisting of Hampden, Worcester, Middlesex, Essex, Suffolk, Norfolk, Bristol and Plymouth Counties, in Massachusetts;

Atlantic, Bergen, Camden, Gloucester, Hudson, Hunterdon, and Morris Counties, that area consisting of Union, Middlesex, Monmouth, and Ocean Counties, that area in Lower Township in Cape May County lying east of U. S. Highway No. 9, that area in Dennis Township in Cape May County bounded by the Belleplain State Forest on the south and east and State Highway No. 550 on the north and west and State Highway Spur No. 550 on the west, and all of Burlington County except Delran, Washington, Shamong, Tabernacle, and Bass River Townships, in New Jersey;

Poughkeepsie Township, in Dutchess County, and that area in Clarkstown Township lying north of New York State Route No. 59, in Rockland County, in New York; Bucks and Delaware Counties, in Pennsylvania;

That area in Atascosa County lying west of State Highway No. 346 and north of State Highway No. 173, and that area in Bell County lying north of U. S. Highway No. 190 and west of State Highways No. 38 and No. 317, in Texas.

Effective date. The foregoing amendment shall become effective upon issuance.

Section 76.27 of Subpart B, as amended, Part 76, Title 9, Code of Federal Regulations (18 F. R. 3637), quarantines the areas so designated.

The amendment designates the following as an area in which swine are affected with vesicular exanthema in addition to the areas heretofore designated:

That area in Fulton County lying south and west of State Highways Nos. 139 and 154 and west of U. S. Highway No. 29 excluding Fort McPherson, in Georgia.

Hereafter, the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended), apply to this area.

The amendment excludes from the areas heretofore designated as areas in which swine are affected with vesicular exanthema:

Delran, Washington, Shamong, Tabernacle, and Bass River Townships, in Burlington County, in New Jersey;

Anderson, Calhoun, Charleston, Greenwood, and Orangeburg Counties, in South Carolina.

The Administrator of the Agricultural Research Administration has determined that swine in these areas are not now affected with the disease, and that the quarantine of such areas is no longer required to prevent the dissemination thereof. Accordingly, these areas are no longer quarantined under said § 76.27, and the restrictions pertaining to the interstate movement of swine and carcasses, parts and offal of swine from or through quarantined areas contained in 9 CFR, Part 76, Subpart B, as amended (18 F. R. 3636, as amended) no longer apply to such areas. However, the restrictions pertaining to such movement from non-quarantined areas contained in said Subpart B, as amended, apply thereto.

The effect of the amendment is to impose certain further restrictions necessary to prevent the spread of vesicular exanthema, a contagious, infectious, and communicable disease of swine, and to relieve certain restrictions presently imposed. The amendment must be made effective immediately to accomplish its purpose in the public interest and to be of maximum benefit to persons subject to the restrictions which are relieved. Accordingly, under section 4 of the Administrative Procedure Act (5 U. S. C. 1003) it is found upon good cause that notice and other public procedure with respect to the amendment are imprac-

ticable and contrary to the public interest and good cause is found for making it effective less than 30 days after publication in the FEDERAL REGISTER.

(Sec. 2, 32 Stat. 792, as amended; 21 U. S. C. 111. Interprets or applies secs. 4, 5, 23 Stat. 32, sec. 1, 32 Stat. 791; 21 U. S. C. 120)

Done at Washington, D. C., this 18th day of December 1953.

[SEAL] M. R. CLARKSON,
Acting Administrator
Agricultural Research Administration.
[F. R. Doc. 53-10693; Filed, Dec. 24, 1953; 8:46 a. m.]

TITLE 24—HOUSING AND HOUSING CREDIT

Chapter I—Home Loan Bank Board, Housing and Home Finance Agency

Subchapter C—Federal Savings and Loan System [No. 6704]

PART 143—INCORPORATION, ORGANIZATION AND CONVERSION

PART 144—CHARTER AND BYLAWS

PART 145—OPERATIONS

AMENDMENTS: PROVIDING FOR A REVISED FORM OF CHARTER K

DECEMBER 18, 1953.

Resolved, that pursuant to Part 108 of the general regulations of the Home Loan Bank Board (24 CFR Part 108) and § 142.1 of the rules and regulations for the Federal Savings and Loan System (24 CFR 142.1), notice and public procedure having been duly afforded (17 F. R. 5255) the rules and regulations for the Federal Savings and Loan System, are hereby amended, effective December 25, 1953, as hereinafter set forth:

a. Amend § 143.5 by striking the phrase "in the form of Charter N" from the last sentence thereof.

b. Amend the last sentence of paragraph (c) of § 143.11 to read as follows: "Upon approval by the Board of a formal application for conversion into a Federal association, the Board will issue a Charter, as provided in § 144.1 of this subchapter; conversion into a Federal association is completed upon the issuance of such charter and upon compliance with all relevant requirements of law, if any, which expressly provide for such conversion."

c. Amend the provisions preceding the first colon in § 144.1 to read as follows:

§ 144.1 *Issuance of charter*—(a) *Charter N.* Except as provided in paragraph (b) of this section and in § 144.2, the following form of charter, which shall be known as Charter N, will be issued on and after the effective date of the rules and regulations in this subchapter, upon approval by the Board of any petition for a charter for a Federal association pursuant to the provisions of subsections (a) or (i) of section 5 of Home Owners' Loan Act of 1933, as amended.

d. Amend § 144.1 by adding a new paragraph (b) at the end thereof, as follows:

(b) *Charter K (rev.)* If expressly requested in the Petition for Charter, or in the Application for Conversion into a Federal Association, the Board, in lieu of Charter N, will issue a Charter K (rev.) reading as follows:

CHAPTER K (REV.)

1. *Corporate title.* The full corporate title of the Federal association hereby chartered is _____ Federal Savings and Loan Association _____.

2. *Office.* The home office shall be located at _____, in the County of _____, State of _____.

3. *Objects and powers.* The objects of the association are to promote thrift by providing a convenient and safe method for people to save and invest money and to provide for the sound and economical financing of homes; and, in the accomplishment of such objects, it shall have perpetual succession and power: (1) To act as fiscal agent of the United States when designated for that purpose by the Secretary of the Treasury, under such regulations as he may prescribe, and shall perform all such reasonable duties as fiscal agent of the United States as he may require and to act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality; (2) To sue and be sued, complain and defend in any court of law or equity; (3) To have a corporate seal, affixed by imprint, facsimile or otherwise; (4) To appoint officers and agents as its business shall require, and allow them suitable compensation; (5) To adopt bylaws not inconsistent with the Constitution or laws of the United States and rules and regulations adopted thereunder and this charter; (6) To raise its capital, which shall be unlimited, by accepting payments on savings accounts representing share interests in the association; (7) To borrow money; (8) To lend and otherwise invest its funds; (9) To wind up and dissolve, merge, consolidate, convert, or reorganize; (10) To purchase, hold, and convey real and personal estate consistent with its objects, purposes, and powers; (11) To mortgage or lease any real and personal estate and take such property by gift, devise, or bequest; and (12) To exercise all powers conferred by law. In addition to the foregoing powers expressly enumerated, this association shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers. It shall exercise its powers in conformity with all laws of the United States as they now are, or as they may hereafter be amended, and with all rules and regulations which are not in conflict with this charter now or hereafter made thereunder.

4. *Members.* All holders of the association's savings accounts and all borrowers therefrom are members. In the consideration of all questions requiring action by the members of the association, each holder of a savings account shall be permitted to cast one vote for each \$100, or fraction thereof, of the withdrawal value of his account. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes to which he may be entitled as the holder of a savings account. No member, however, shall cast more than 50 votes. Voting may be by proxy. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of members shall determine any question. The members who shall be entitled to vote at any meeting of the members shall be those owning savings accounts and borrowing members of record on the books of the association at the end of the calendar month next preceding the date of such meeting. The number of votes which

each member shall be entitled to cast at any meeting of the members shall be determined from the books of the association as of the end of the calendar month next preceding the date of such meeting. Those who were members at the end of the calendar month next preceding the date of a meeting of members but who shall have ceased to be members prior to such meeting shall not be entitled to vote thereat. All savings accounts shall be nonassessable.

5. *Directors.* The association shall be under the direction of a board of directors of not less than 5 nor more than 15, as fixed in the association's bylaws or, in the absence of any such bylaw provision, as from time to time expressly determined by resolution of the association's members. Each director of the association shall be a member of the association, and a director shall cease to be a director when he ceases to be a member. Directors of the association shall be elected by its members by ballot: *Provided*, That in the event of a vacancy in the directorate, including vacancies created by an increase in the number of directors, the board of directors may fill such vacancy, if the members of the association fail so to do, by electing a director to serve until the next annual meeting of the members. Directors shall be elected for periods of 3 years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board of directors each year.

6. *Withdrawals.* The association shall have the right to pay the withdrawal value of its savings accounts at any time upon application therefor and to pay the holders thereof the withdrawal value thereof. Upon receipt of a written request from any holder of a savings account of the association for the withdrawal from such account of all or any part of the withdrawal value thereof, the association shall within 30 days pay the amount requested; *Provided*, That if the association is unable to pay all withdrawals requested at the end of 30 days from the date of such requests, it shall then proceed in the following manner while any withdrawal request remains unpaid for more than 30 days:

Withdrawal requests shall be paid in the order received and if any holder of a savings account or accounts has requested the withdrawal of more than \$1,000, he shall be paid \$1,000 in order when reached and his withdrawal request shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of withdrawal requests, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the withdrawal value of his savings account, and until such withdrawal request shall have been paid in full, shall continue to be so paid, renumbered, and replaced at the end of the withdrawal requests on file: *Provided*, That when any such request is reached for payment, the association shall so advise the holder of such savings account by registered mail to his last address as recorded on the books of the association and, unless such holder shall apply in person or in writing for the payment of such withdrawal request within 30 days from the date of the mailing of such notice, no payment on account of such withdrawal request shall be made and such request shall be cancelled: *And provided further* That the board of directors shall have absolute right to pay on an equitable basis an amount not exceeding \$200 to any holder of a savings account or accounts in any calendar month and without regard to any other provision of this section.

When the association is unable to pay all withdrawal requests within a period not exceeding 30 days from the date of receipt of written request therefor it shall allot to the payment of such requests and remainder of the association's receipts from all sources

after deducting from total receipts appropriate amounts for expenses, required payments on indebtedness, earnings distributable in cash to holders of savings accounts, and a fund for general corporate purposes equivalent to not more than 20 percent of the association's receipts from holders of its savings accounts and from its borrowers. Holders of savings accounts for which application for withdrawal has been made shall remain holders of savings accounts until paid and shall not become creditors.

7. *Redemption.* At any time sufficient funds are on hand, the association shall have the right to redeem, by lot or otherwise as the board of directors may determine, all or any part of any of its savings accounts on June 30 or December 31, by giving 30 days' notice of such redemption by registered mail addressed to the holder of each such savings account at his last address as recorded on the books of the association. The association may not redeem any of its savings accounts when there is an impairment of its capital or when it has any request for withdrawal which has been on file and unpaid for more than 30 days. The redemption price of each savings account redeemed shall be the full value thereof, as determined by the board of directors, but in no event shall the redemption price be less than the withdrawal amount of such savings account. If a savings account which is redeemed is entitled to participate in any reserve for bonus, the amount in such reserve for bonus which is properly allocable to such savings account shall be paid as part of the redemption price thereof. If any notice of redemption shall have been duly given, and if the funds necessary for such redemption shall have been set aside so as to be and to continue to be available for that purpose, earnings upon such account shall cease to accrue from and after the date specified as the redemption date and all rights with respect to each such account shall forthwith, after such redemption date, terminate, except only the right of the holder of record of such savings account to receive the redemption price thereof without earnings.

8. *Loans and investments.* The association may make any loan or investment authorized by statute and the rules and regulations made by the Home Loan Bank Board and in effect on August 15, 1949; it may make such additional loans and investments as may thereafter be authorized by amendments of the said rules and regulations.

9. *Power to borrow.* The association may borrow money in an aggregate amount not exceeding one-half of its capital; the amount which may be borrowed from sources other than a Federal home loan bank shall not exceed one-tenth of such capital. Notwithstanding the foregoing limitations, the association may, with prior approval by the Home Loan Bank Board, borrow from a Federal home loan bank or from any Federal agency or instrumentality without limitation, upon such terms and conditions as may be required by such bank or agency. The association may pledge and otherwise encumber any of its assets to secure its debts.

10. *Reserves, surplus, and distribution of earnings.* The association shall maintain general reserves for the sole purpose of meeting losses; such reserves shall include the reserve required for insurance of accounts. Any losses may be charged against general reserves. If and whenever the general reserves of the association are not equal to at least 10 percent of its capital, it shall, as of June 30 and December 31 of each year, credit to such reserves an amount equivalent to at least 5 percent of its net earnings for the 6 months' period, or such amount as may be required by the Federal Savings and Loan Insurance Corporation, whichever is greater, until such reserves are equal to at least 10 percent of the association's capital. As of June 30 and Decem-

ber 31 of each year, after payment or provision for payment of all expenses, credits to general reserves and such credits to surplus as the board of directors may determine, and provision for bonus on savings accounts as authorized by regulations made by the Home Loan Bank Board, the board of directors of the association shall cause the remainder of the net earnings of the association for the 6 months' period to be distributed promptly on its savings accounts, ratably, as declared by the board of directors, to the withdrawal value thereof; in lieu of or in addition to such net earnings, any of the association's surplus funds may be likewise distributed. Such net earnings shall be credited to savings accounts or paid, as directed by the owner. All holders of savings accounts shall participate at the same rate and on the same basis in the distribution of earnings: *Provided*, That the association is not required to distribute earnings on short-term savings accounts or on accounts of \$10 or less. Except as provided above, earnings shall be declared on all savings accounts of record at the close of each such 6 months' period, on the withdrawal value of each such account at the beginning of the said 6 months' period, plus the payments made thereon during such period (less amounts withdrawn, and, for purposes of participation in earnings, deducted from the latest previous payments), computed at the declared rate for the time invested, determined as provided below. The date of investment shall be the date of actual receipt of such payments by the association, unless the board of directors fixes a date, not later than the tenth of the month, for determining the date of investment of payments on savings accounts or designated classes thereof. Payments, affected by such determination date, received by the association on or before such determination date, shall receive earnings as if invested on the first of such month. Payments, affected by such determination date, received subsequent to such determination date, shall receive earnings as if invested on the first of the next succeeding month. Notwithstanding any other provision of its charter, the association may distribute net earnings on its savings accounts on such other basis and in accordance with such other terms and conditions as may from time to time be authorized by regulations made by the Home Loan Bank Board. All holders of savings accounts of the association shall be entitled to equal distribution of assets, pro rata to the value of their savings accounts, in the event of voluntary or involuntary liquidation, dissolution, or winding up of the association.

11. *Amendment of charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made unless such proposal is made by the board of directors of the association, and submitted to and approved by the Home Loan Bank Board, and is thereafter submitted to and approved by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Home Loan Bank Board, as of the date of the final approval of, or as fixed by, the members.

HOME LOAN BANK BOARD,

By _____
(Chairman)

Attest:

(Secretary)

e. Amend § 144.3 to read as follows:

§ 144.3 *Adoption of Charter N.* A Federal association that has a Charter E or a Charter K may amend such charter in its entirety to read in the form of

Charter N or Charter K (rev.) by majority vote of such association's members present at any duly called regular or special meeting of members: *Provided*, That, in the case of a Federal association that has a Charter K, the board of directors of such association shall first have proposed such amendment, and the provisions of this section shall be deemed to be the approval by the Board of such proposal. Upon receipt of the following petition from a Federal association that has amended its charter as provided in this section, the Board will issue to such Federal association, as requested by it a Charter N or a Charter K (rev.) in the same name and showing the same location of home office as is prescribed in such association's present charter, unless the Board when petitioned approves a change in such name or location:

HOME LOAN BANK BOARD,
Washington, D. C.

The undersigned, pursuant to § 144.3 of the rules and regulations for the Federal Savings and Loan System, respectfully petitions the Board to issue an amended charter in the form of Charter (insert "N" or "K (rev.)" as voted by the members), to the undersigned, fixing the name and home office of the undersigned which its present charter prescribes.

The undersigned, by its secretary, hereby certifies that the members at a meeting duly called and held adopted the following resolution:

Be it resolved, That the present charter of this association be amended to read in the form of Charter (insert "N" or "K (rev.)" as voted by the members) as set forth in § 144.1 of the rules and regulations for the Federal Savings and Loan System, prescribing the present name and home office fixed by the present charter of this association.

In witness whereof, the Secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this ____ day of _____, 19____.

FEDERAL SAVINGS AND
LOAN ASSOCIATION,

[CORPORATE SEAL] By _____

f. Amend the language preceding the first colon in § 144.5 to read as follows:

§ 144.5 *Prescribed form.* A Federal association that has a Charter N or Charter K (rev.) shall operate under the following prescribed bylaws, unless and until such bylaws are amended in accordance with the procedure therein set forth.

g. Amend the second sentence of § 145.1 to read as follows: "The savings accounts of a Federal association that has a Charter E or a Charter K and which amends such charter to read in the form of Charter N or Charter K (rev.) shall continue to have the same rights and privileges and to be subject to the same duties and liabilities as were provided in the charter in effect at the time such savings accounts were created, until exchanged for a savings account issued under the provisions of Charter N or Charter K (rev.)"

h. Amend § 145.1-1 by inserting, immediately after the phrase "Charter N" the following additional language: "or Charter K (rev.)"

i. Amend the first and second sentences of paragraph (b) of § 145.2 by inserting in each such sentence after the

phrase "Charter N" the following additional language: "or Charter K (rev.)"

Resolved further that, as the foregoing amendments in effect relieve a restriction and as they should take effect immediately in order to enable Federal savings and loan associations desiring to do so, to take advantage of the provisions thereof at their annual meetings of members to be held in January of 1954, it is determined that the effective date thereof should not be deferred and such amendments shall take effect upon publication in the FEDERAL REGISTER.

(Sec. 5, 48 Stat. 132, as amended; 12 U. S. C. 1464)

By the Home Loan Bank Board

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 53-10722; Filed, Dec. 24, 1953;
8:48 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 127—INTERNATIONAL POSTAL SERVICE: POSTAGE RATES, SERVICE AVAILABLE AND INSTRUCTIONS FOR MAILING

MISCELLANEOUS AMENDMENTS

In Part 127, International Postal Service: Postage Rates, Service Available and Instructions for Mailing, make the following changes:

a. In § 127.4 *Post cards* make the following changes:

1. Amend paragraph (j) (1) to read as follows:

(1) International reply-paid postal cards bearing the required endorsements and postage are available in two denominations (2 cents on each half for Canada and Mexico, and 4 cents on each half for other countries), and shall be carried in stock at all post offices where there is a demand for such reply-paid postal cards. The United States domestic reply-paid postal card should not be used for other countries.

2. In paragraph (j) amend the last sentence of subparagraph (2) to read as follows: "Prepayment of the two halves shall be by means of United States postage stamps (2 cents for Canada and Mexico and 4 cents for other countries) affixed to each half."

b. In § 127.284 *Japan* make the following changes:

1. Amend paragraph (b) (7) to read as follows:

(b) *Parcel post.* * * *

(7) *Prohibitions.*—(i) *For reasons of health.* Hemp and its seeds, except ripe stems and dead seeds, and products thereof. Medicines containing amphetamine or its salts.

(ii) *For the protection of animals and plants.* Walnuts in the shell.

Certain plants and plant products are prohibited from importation or are admitted under restrictions. Interested patrons may be informed that information can be obtained from the Bureau of Entomology and Plant Quarantine, Department of Agriculture, Washington 25, D. C., or from one of the offices of that

Bureau located at principal ports of entry. The following must be accompanied by official inspection certificates showing that they are free from domestic animals' infectious disease: Meat, bones, skin, hair, feathers, horns, or hoofs of hoofed animals, rabbits, or poultry; poultry eggs for hatching; honey bees.

(iii) *State monopolies.* Salt, camphor, camphor oil, tobacco leaves and seeds, and apparatus and papers for tobacco manufacture, unless addressed to the Japanese monopoly authorities or agents thereof. The same applies to manufactured tobacco, except that individuals in Japan may receive for their personal use up to 200 cigarettes, 50 cigars, and 250 grams (8¾ ounces) of smoking or chewing tobacco or snuff.

(iv) *For other reasons.* (a) Articles violating Japanese patents, copyrights or trademark rights.

(b) Counterfeit or altered currency, postage or revenue stamps or securities; postage stamps from which cancellation marks have been removed.

(c) Firearms (except shotguns for hunting) and swords, unless addressed to the Japanese government or agents thereof. See subparagraph (8) of this paragraph concerning shotguns for hunting.

2. Amend paragraph (b) (8) to read as follows:

(8) *Import restrictions; the attention of senders should be called to the following requirements, which are to be met by the addressees.* (i) Import licenses are required for all commercial parcels, except for (a) trade samples declared as such; (b) personal or household articles, professional articles and tools of trade declared to be for the addressee's personal use; and (c) scientific research material declared as such.

(ii) Addressees must comply with the applicable Japanese regulations in order to take delivery of the following:

(a) Banknotes, currency, checks and other instruments of payment. Securities and documents embodying tangible assets.

(b) Articles made from precious metals.

(c) Shotguns for hunting.

(d) Rice, barley, rye, or wheat (except when sent as food in gift parcels)

(e) Silkworm eggs.

c. In § 127.300 *Malaya (the postal territory of Malaya includes the Federation of Malaya (Johore, Kedah, Kelantan, Malacca, Negri Sembilan, Pahang Penang (including Province Wellesley) Perak, Perlis, Selangor and Trengganu) and the Colony of Singapore (including the Christmas and Cocos (Keeling) Islands))* make the following changes:

1. In paragraph (a) (7) amend subdivision (i) by striking out the following: "upon special authorization obtained in advance from the Controller of Posts of Malaya at Kuala Lumpur."

2. In subdivision (ii) of paragraph (a) (7) delete the following: "(This does not apply to Trengganu.)"

(R. S. 161, 396, 398, secs. 304, 309, 42 Stat. 24, 25, 48 Stat. 943; 5 U. S. C. 22, 369, 372)

[SEAL]

LOUIS J. DOYLE,
Acting Solicitor

[F. R. Doc. 53-10697; Filed, Dec. 24, 1953;
8:45 a. m.]

TITLE 46—SHIPPING

Chapter II—Federal Maritime Board, Maritime Administration, Department of Commerce

Subchapter G—Emergency Operations

[WSA Function Series General Orders 5, 26,
32, 40, 52, 54, Revocation]

PART 301—GENERAL REGULATIONS

PART 303—CONTRACTS FOR CARRIAGE ON VESSELS OWNED OR CHARTERED BY THE MARITIME COMMISSION

PART 304—LABOR

REVOCATION OF CERTAIN SECTIONS

1. General Order 52 (§§ 301.80 to 301.-83, inclusive; 10 F. R. 10127) is hereby revoked.

2. General Order 54 (§§ 301.101 to 301.104, inclusive; 10 F. R. 13275) is hereby revoked.

3. General Order 26, Supplement 1, Supplement 1 amended, and Supplement 2 thereto (§§ 303.24 to 303.30, inclusive; 9 F. R. 11769, 7 F. R. 10724, 9978, 9344), are hereby revoked.

4. General Order 5, Supplement 2, Revised, and Amendment 1 thereto (§ 304.8; 9 F. R. 7086, 8 F. R. 10829) are hereby revoked.

5. General Order 32 (§§ 304.20 to 304.29, inclusive; 8 F. R. 5414) is hereby revoked.

6. General Order 40 and Supplement 2 thereto (§§ 304.41 to 304.49, inclusive; 10 F. R. 14210, 8 F. R. 17487) are hereby revoked.

Effective date. This order shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS,
Secretary.
LOUIS S. ROTHSCHILD,
Maritime Administrator

[F. R. Doc. 53-10730; Filed, Dec. 24, 1953;
8:50 a. m.]

[WSA Function Series General Orders 35, 44,
2d Revision, 46, 51, Revocation]

PART 301—GENERAL REGULATIONS

PART 304—LABOR

REVOCATION OF CERTAIN SECTIONS

1. General Order 35 (§§ 301.35 to 301.44, inclusive; 8 F. R. 13070) is hereby revoked.

2. General Order 51 (§§ 301.45 to 301.50, inclusive; 10 F. R. 10033) is hereby revoked.

3. General Order 46 (§§ 301.61 to 301.67, inclusive; 9 F. R. 11808) is hereby revoked.

4. General Order 44, Second Revision (§§ 304.75 to 304.80, inclusive; 12 F. R. 3744), is hereby revoked.

Effective date. This order shall become effective on June 30, 1954.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS,
Secretary.
LOUIS S. ROTHSCHILD,
Maritime Administrator

[F. R. Doc. 53-10728; Filed, Dec. 24, 1953;
8:50 a. m.]

[WSA Function Series General Orders Revised
12, 21, 28, 42, 45, and 56, Revocation]

PART 306—GENERAL AGENTS AND AGENTS

REVOCATION OF CERTAIN SECTIONS

1. Revised General Order 12 (§§ 306.1 to 306.28, inclusive, 306.36 to 306.42, inclusive, 306.50 to 306.60, inclusive, and 306.66 to 306.69c, inclusive; 9 F. R. 5831 to 5837) is hereby revoked.

2. General Order 21 and Supplements 1, 2, 3, 4, 5, and 6 thereto (§§ 306.43 to 306.49, inclusive, and 306.70; 7 F. R. 7561, 10300, 8 F. R. 1291, 8552, 17512, and 9 F. R. 1182, 14392), are hereby revoked.

3. General Order 28 and Supplement 2 thereto (§§ 306.61 to 306.65, inclusive; 8 F. R. 446, 2605) are hereby revoked.

4. General Order 42 (§§ 306.111 to 306.115, inclusive; 9 F. R. 4110) is hereby revoked.

5. General Order 45, and Supplements 3, 4, 8, 10, and 11 thereto (§§ 306.122 to 306.125, inclusive; 9 F. R. 7086, 10 F. R. 2042, 4932, 12965, 11 F. R. 890, 2088), are hereby revoked.

6. General Order 56 and Supplements 1, 2, and 3 thereto (§§ 306.171 to 306.175, inclusive, 306.180 to 306.183, inclusive, 306.185 to 306.188, inclusive, 306.190 to 306.192, inclusive, 306.195 to 306.198, inclusive, and 306.200 to 306.205, inclusive; 11 F. R. 1474, 1475, 1476, 1477, 1478, 7720, 7721, 10298, and 10299, 12 F. R. 1683, 1684, and 1724) are hereby revoked.

Effective date. This order shall be effective on the date of publication in the FEDERAL REGISTER.

(Sec. 204, 49 Stat. 1987, as amended; 46 U. S. C. 1114)

Dated: December 21, 1953.

By order of the Federal Maritime Board.

[SEAL]

A. J. WILLIAMS,
Secretary.
LOUIS S. ROTHSCHILD,
Maritime Administrator.

[F. R. Doc. 53-10729; Filed, Dec. 24, 1953;
8:50 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

TABLE OF FORMS AND REFERENCES

In the matter of amendment of the table of forms in Part 1 of the Commission's rules and regulations to effect certain editorial changes therein.

The Commission having under consideration the desirability of making certain editorial changes in Part 1 of its rules and regulations; and

It appearing that the amendments adopted herein are editorial in nature, and, therefore, prior publication of notice of proposed rule making under the provisions of section 4 of the Administrative Procedure Act is unnecessary, and the amendments may become effective immediately and

It further appearing that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i) 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and paragraph F-6 of the Commission's Order Defining the Functions and Establishing the Organizational Structure of the Office of the Secretary, dated February 14, 1952, as amended;

It is ordered, That 21st day of December 1953, that, effective immediately, the "Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations," appearing in Part 1 immediately following the Table of Contents, is amended to read as set forth in the Appendix below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply sec. 303, 48 Stat. 1082, as amended, sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: December 22, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

Table showing forms currently in effect and where they are referred to in Part 1 of the rules and regulations.

Form No..	Section
301-----	1.311 (a), 1.319 (b) (1), 1.371 ²⁰
301-A -----	1.309.
302-----	1.317 (b) (1), 1.318 (b) (1), 1.328.
303-----	1.320 (c) (1).
308-----	1.327.
309-----	1.311 (b).
310-----	1.317 (b) (2).
311-----	1.320 (c) (2).
312-----	1.319 (b) (2).
313-----	1.311 (c), 1.317 (b) (3), 1.319 (b) (3), 1.320 (c) (3).
314-----	1.321 (a).
315-----	1.321 (a).
316-----	1.321 (a) and (b), 1.343 (a) (2). ⁵
317-----	1.325 (b).
318-----	1.311 (b) and (d).
321-----	1.314 (c).
323-----	1.343 (a) and (b).
324-----	1.341 (a).
336-----	1.347, 1.557 (a).
337-----	1.347, 1.557 (a).
338-A -----	1.560.

No. 251—3

Form No..	Section
338-B -----	1.560.
340-----	1.311 (c), 1.319 (b) (4).
341-----	1.317 (b) (4), 1.318 (b) (2).
342-----	1.320 (c) (4).
400-----	1.312 (a), 1.317 (b) (5), 1.319 (b) (5), 1.322 (b) (1).
400-A -----	1.312 (b), 1.314 (b), 1.319 (b) (6).
401-----	1.312 (c).
401-A -----	1.312 (d).
403-----	1.317 (b) (6), 1.319 (b) (7).
404-----	1.318 (b) (3).
404-A -----	1.318 (b) (4), 1.319 (b) (8).
405-----	1.320 (c) (5).
405-A -----	1.320 (c) (6).
408-----	1.324 (c) (1).
410-----	1.310.
453-B -----	1.324 (d).
480-----	1.312 (c).
481-----	1.318 (b) (5).
482-----	1.335.
501-----	1.318 (b) (6), 1.319 (b) (9).
501-A -----	1.318 (b) (7), 1.319 (b) (10).
505-----	1.318 (b) (8), 1.319 (b) (11).
525-----	1.318 (b) (9), 1.319 (b) (12).
602-----	1.318 (b) (10), 1.319 (b) (13).
610-----	1.318 (b) (11), 1.319 (b) (14).
701-----	1.314 (b).
702-----	1.322 (b) (2).
703-----	1.322 (b) (3).
753-1-----	1.329 (a).
756-----	1.329 (a).
756-A -----	1.329 (a).
759-----	1.329 (c).
786-----	1.713 (a).
801-----	1.330 (a).
808-----	1.330 (b).
820-----	1.331 (a).
901-----	1.545.
903-----	1.545.
905-----	1.545.
H-----	1.544 (a) (1).
L-----	1.544 (a) (8).
M-----	1.544 (a) (2).
O-----	1.544 (a) (3).
R-----	1.544 (a) (4).
Circular No. 1..	1.544 (a) (5).
Circular No. 2..	1.544 (a) (6).
Circular No. 3..	1.544 (a) (7).

[F. R. Doc. 53-10721; Filed, Dec. 24, 1953; 8:48 a. m.]

[Docket No. S. 10107, 10746]

PART 1—PRACTICE AND PROCEDURE

ANNUAL FINANCIAL REPORT, BROADCAST LICENSEES AND PERMITTEES

In the matter of Amendment of Annual Report Form 324 and deletion of Annual Report Form 324-A, applicable to Standard Broadcast, FM, Television and International Stations; amendment of Schedules 10-A and 10-B (Employees and Their Compensation) of Annual Report Form 324; applicable to Standard Broadcast, FM, Television and International Stations.

1. On November 5, 1953, the Commission adopted a notice of proposed rule making (18 F. R. 7250) in the above-entitled matter. The period in which interested parties were afforded an opportunity to submit written comments has expired. Numerous comments were received supporting the proposed revisions

and deletions, and no comments were received opposing the changes. The Commission, therefore, is adopting the proposed revisions and excisions, with minor editorial changes.

2. It is ordered, therefore, That, effective 30 days after publication in the FEDERAL REGISTER, pursuant to authority under section 4 (i), 303 (r) and 303 (b) of the Communications Act of 1934, as amended, F. C. C. Form 324, Annual Financial Report of Networks and Licensees of Broadcast Stations, is amended accordingly. Section 1.341 (a) of the Commission's rules and regulations is also amended as set forth below.

3. It is further ordered, That Annual Financial Report Form 324-A, Summary Estimates of Station Broadcast Revenues and Expenses, is hereby deleted, and accordingly, § 1.341 (b) of the rules is deleted.

4. It is further ordered, That each network and licensee of broadcast stations and each permittee whose station was operated during 1953 shall prepare and file its annual financial report to the Commission for the year 1953 on or before April 1, 1954 and for each calendar year thereafter in the form and manner herein prescribed.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interpret or apply secs. 303, 303, 48 Stat. 1032, 1035; 47 U. S. C. 303, 303.)

Adopted: December 18, 1953.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] WM. P. MASSING,
Acting Secretary.

1. Amend § 1.341 (a) to read, as follows:

§ 1.341 *Financial report, broadcast licensees and permittees.* Each licensee of a broadcast station (standard, FM, television and international) and each permittee of a broadcast station engaged in interim operation shall file with the Commission on or before April 1 of each year on Form 324 broadcast revenue and expense statements for the preceding calendar year together with a statement as to investment in tangible broadcast property as of December 31 of such calendar year.

2. Delete § 1.341 (b).

[F. R. Doc. 53-10720; Filed, Dec. 24, 1953; 8:48 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

[S. O. 869, Amdt. 10]

PART 95—CAR SERVICE

USE OF REFRIGERATOR CARS FOR CERTAIN COMMODITIES PROHIBITED

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of December A. D. 1953.

Upon further consideration of Service Order No. 869 (15 F. R. 8824, 9109; 16 F. R. 2040, 3619, 10994; 17 F. R. 2765, 8582; 18 F. R. 1858, 3733, 6214), and good

cause appearing therefor: It is ordered, that:

Section 95.869 *Use of Refrigerator Cars for Certain Commodities Prohibited*, of Service Order No. 869 be, and it is hereby amended by substituting the following paragraph (f) hereof for paragraph (f) thereof:

(f) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1954, unless otherwise modified, changed, suspended or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., December 31, 1953; and that a copy of this order and direction shall be served upon the State railroad regulatory body of each State and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-10710; Filed, Dec. 24, 1953;
8:47 a. m.]

[S. O. 873, Amdt. 8]

PART 95—CAR SERVICE

CONTROL OF TANK CARS, APPOINTMENT OF AGENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 21st day of December A. D. 1953.

Upon further consideration of the provisions of Service Order No. 873 (16 F. R. 1131, 7359; 17 F. R. 482, 6558; 18 F. R. 473, 2235, 3733, 6214) and good cause appearing therefor: It is ordered, that:

Section 95.873 *Control of tank cars; appointment of agent*, of Service Order No. 873 be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., May 31, 1954, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., December 31, 1953; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL]

GEORGE W LAIRD,
Secretary.

[F. R. Doc. 53-10709; Filed, Dec. 24, 1953;
8:47 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[50 CFR Parts 46, 161-165]

ALASKA WILDLIFE PROTECTION

NOTICE OF PROPOSED RULE MAKING

Pursuant to section 4 (a) of the Administrative Procedure Act, approved June 11, 1946 (60 Stat. 237, 239) notice is hereby given:

(a) That under authority contained in section 9 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 301) the Secretary of the Interior proposes to adopt amendments to the regulations under the statute which will specify open seasons, means of taking, bag and possession limits, the closing or reopening of areas, and the issuance of permits to insure proper conservation and utilization of the wildlife resources of the Territory. In addition, some amendments may be adopted for the purpose of clarifying the application of the regulations and to facilitate administration of the act.

(b) That under authority of section 8 and subdivisions D and M of section 10 of the Alaska Game Law of July 1, 1943, as amended (57 Stat. 301) the Alaska Game Commission intends to consider the advisability of amending the regulations of the Alaska Game Commission respecting poisons, licenses, the qualification of guides, and the establishment of fur management areas.

The regulations referred to in paragraphs (a) and (b) above are to be effective beginning July 1, 1954.

Interested persons are hereby notified that at a hearing of the Alaska Game

Commission to be held in Juneau, Alaska, on February 15, 1954, the said proposed regulations will be considered, and any such person may present his views, data or arguments with respect thereto. Such interested persons are also hereby given an opportunity to participate in preparing the regulations for issuance as set forth by submitting their views, data, or arguments in writing to John L. Farley, Director, Fish and Wildlife Service, Washington 25, D. C. To assure full consideration of such communications, they must be received in the Fish and Wildlife Service not later than February 20, 1954.

Dated: December 18, 1953.

ORME LEWIS,
Assistant Secretary of the Interior

[F. R. Doc. 53-10696; Filed, Dec. 24, 1953;
8:45 a. m.]

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[7 CFR Part 51]

U. S. STANDARDS FOR POTATOES ¹

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the United States Department of Agriculture is considering the issuance of revised United

¹Packing of the product in conformity with the requirements of these standards shall not excuse failure to comply with the provisions of the Federal Food, Drug, and Cosmetic Act.

States Standards for Potatoes under the authority contained in the Agricultural Marketing Act of 1946 (60 Stat. 1087; 7 U. S. C. 1621 et seq.) and the Department of Agriculture Appropriation Act, 1954 (Pub. Law 156, 83d Cong., approved July 28, 1953) to supersede the existing United States Standards for Potatoes (14 F. R. 1955, 2161, as recodified in 18 F. R. 7129) effective June 1, 1949.

All persons who desire to submit written data, views or arguments for consideration in connection with the proposed standards should file the same with E. E. Conklin, Chief, Fresh Products Standardization and Inspection Branch, Fruit and Vegetable Division, Agricultural Marketing Service, United States Department of Agriculture, South Building, Washington 25, D. C., not later than 5:30 p. m., e. s. t. on the sixtieth day after the date of publication of this notice in the FEDERAL REGISTER.

The proposed standards are as follows:

GRADES	
Sec.	
51.1540	U. S. Extra No. 1.
51.1541	U. S. No. 1.
51.1542	U. S. Commercial.
51.1543	U. S. No. 2.
UNCLASSIFIED	
51.1544	Unclassified.
TOLERANCES FOR DEFECTS	
51.1545	Tolerances for defects.
51.1546	U. S. Extra No. 1 Grade.
51.1547	U. S. No. 1 and U. S. No. 2 Grades.
51.1548	U. S. Commercial Grade.
SIZE CLASSIFICATION	
51.1549	Size classification.
TOLERANCES FOR SIZE	
51.1550	Tolerances for size.

SKINNING CLASSIFICATION	
Sec.	
51.1551	Skinning classification.
APPLICATION OF TOLERANCES	
51.1552	Application of tolerances.
DEFINITIONS	
51.1553	Fairly well matured.
51.1554	Fairly well shaped.
51.1555	Fairly clean.
51.1556	Soft rot or wet breakdown.
51.1557	Damage.
51.1558	Internal discoloration.
51.1559	Diameter.
51.1560	Seriously misshapen.
51.1561	Serious damage.

GRADES

§ 51.1540 *U. S. Extra No. 1*. U. S. Extra No. 1 consists of potatoes of one variety or similar varietal characteristics which are fairly well matured, fairly well shaped, fairly clean, and not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and free from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects, dried stems, or mechanical or other means. (See §§ 51.1545, 51.1546 and 51.1551.)

(a) Unless otherwise specified, size of potatoes (see §§ 51.1549 and 51.1550) shall be as follows:

(1) For round or intermediate shaped varieties, such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain or other similar varieties, each potato shall have a diameter of not less than 2 inches, nor more than 4 inches and not less than 60 percent of the potatoes in the lot shall be 2½ inches or larger, of which not less than one-half, or 30 percent, shall be 2¾ inches, or larger in diameter.

(2) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces and not less than 60 percent of the potatoes in the lot shall be 6 ounces or larger, of which not less than one-half, or 30 percent, shall be 10 ounces or more in weight.

§ 51.1541 *U. S. No. 1*. U. S. No. 1 consists of potatoes of one variety or similar varietal characteristics which are fairly well shaped, fairly clean, and not frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and free from damage caused by sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, sprouting, scab, dry rot, rhizoctonia, other disease, wireworm, other insects, dried stems, or mechanical or other means. (See §§ 51.1545, 51.1547 and 51.1551.)

(a) Unless otherwise specified, for round or intermediate shaped varieties each potato shall have a diameter of not less than 2 inches, nor more than 4 inches; for long varieties each potato shall have either a diameter of not less

than 2 inches or a weight of not less than 4 ounces. (See §§ 51.1549 and 51.1550.)

§ 51.1542 *U. S. Commercial*. U. S. Commercial consists of potatoes which meet the requirements for U. S. No. 1 grade except for maximum size and which are free from serious damage caused by dirt, russet scab, rhizoctonia, and except for the increased tolerance for defects. (See §§ 51.1545, 51.1548 and 51.1551.)

(a) Unless otherwise specified, for round or intermediate shaped varieties each potato shall have a diameter of not less than 2 inches; for long varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces. (See §§ 51.1549 and 51.1550.)

§ 51.1543 *U. S. No. 2*. U. S. No. 2 consists of potatoes of one variety or similar varietal characteristics which are not seriously misshapen or frozen; which are free from freezing injury, blackheart, late blight, southern bacterial wilt, ring rot, and soft rot or wet breakdown, and from serious damage caused by dirt or other foreign matter, sunburn, second growth, growth cracks, air cracks, hollow heart, internal discoloration, external discoloration, cuts, shriveling, scab, dry rot, other disease, wireworm, and other insects, or mechanical or other means. (See §§ 51.1545, 51.1547 and 51.1551.)

(a) Unless otherwise specified, for round or intermediate shaped varieties each potato shall have a diameter of not less than 2 inches; for long varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces. (See §§ 51.1549 and 51.1550.)

UNCLASSIFIED

§ 51.1544 *Unclassified*. Unclassified consists of potatoes which have not been classified in accordance with any of the foregoing grades. The term "Unclassified" is not a grade within the meaning of these standards but is provided as a designation to show that no grade has been applied to the lot.

TOLERANCES FOR DEFECTS

§ 51.1545 *Tolerances for defects*. In order to allow for variations, other than size, incident to proper grading and handling in each of the foregoing grades, the tolerances set forth in §§ 51.1546 through 51.1548 are provided as specified.

§ 51.1546 *U. S. Extra No. 1 Grade*. Not more than a total of 4 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade, but not more than 3 percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including therein not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

§ 51.1547 *U. S. No. 1 and U. S. No. 2 Grades*. Not more than a total of 6 percent, by weight, of the potatoes in any lot may fail to meet the requirements of the grade, but not more than 3

percent shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight, and including therein not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

§ 51.1548 *U. S. Commercial Grade*. Not more than a total of 20 percent, by weight, of the potatoes in any lot may fail to meet the requirements of this grade, but not more than 6 percent may fail to meet the requirements of U. S. No. 2 grade: *Provided*, That not more than one-half of this amount, or 3 percent, shall be allowed for potatoes affected by southern bacterial wilt, ring rot, or late blight and including therein not more than 1 percent for potatoes which are frozen, or affected by soft rot or wet breakdown.

SIZE CLASSIFICATION

§ 51.1549 *Size classification*. (a) When the potatoes are designated as "U. S. No. 1", "U. S. Commercial" or "U. S. No. 2" it is understood that the potatoes meet the minimum size specified in the grade, but that no definite percentage of the potatoes is required to be larger than this minimum size.

(b) When potatoes meet the requirements of Size A as described below the size classification may be specified in connection with any of the U. S. Grades except U. S. Extra No. 1 as "U. S. No. 1, Size A" "U. S. Commercial, Size A" or "U. S. No. 2, Size A" in accordance with the facts. When Size A is used in connection with the grade, it is not permissible to specify any smaller sizes than those specified under this designation.

(c) When the potatoes meet the requirements of Size B or Size C as described below, the size classification may be specified only in connection with U. S. No. 1 or U. S. Commercial grades as "U. S. No. 1, Size B" "U. S. Commercial, Size C" etc., in accordance with the facts. When Size B or Size C is used in connection with these grades, it is not permissible to specify any smaller sizes than those specified under these designations.

(d) Size A. (1) For round or intermediate shaped varieties such as Irish Cobbler, Katahdin, Bliss Triumph, Green Mountain, or other similar varieties, the diameter of each potato shall be not less than 2 inches and not less than 60 percent of the potatoes in the lot shall be 2½ inches or larger but not larger than 4 inches in diameter.

(2) For long varieties such as Burbank, Russet Burbank, Early Ohio, White Rose, or other similar varieties, each potato shall have either a diameter of not less than 2 inches or a weight of not less than 4 ounces and not less than 40 percent of the potatoes in the lot shall be 6 ounces or more in weight.

(e) Size B: For all varieties the size shall be from 1½ inches to not more than 2¾ inches in diameter.

(f) Size C: For all varieties the size shall be from 1 inch to not more than 1½ inches in diameter.

(g) Other sizes: When size A is not used in connection with U. S. No. 1, U. S. Commercial or U. S. No. 2 Grades and Size B and Size C are not used in con-

nection with U. S. No. 1 or U. S. Commercial Grades, it is permissible to specify any other minimum size, such as "1½ inches minimum" "2 inches minimum" or both a minimum and a maximum size as "2 inches to 3 inches" "6 to 10 ounces" or to specify a certain percentage over a certain size as "25 percent or more 2¼ inches and larger" "50 percent or more 5 ounces and larger"

TOLERANCES FOR SIZE

§ 51.1550 *Tolerances for size.* (a) In order to allow for variations incident to proper sizing, not more than 3 percent of the potatoes in any lot may fail to meet the specified minimum size, except that when potatoes are packed to meet a minimum size of 2¼ inches or more in diameter, or 6 ounces or more in weight, not more than 5 percent of the potatoes in the lot may fail to meet the specified minimum size. In addition, not more than 10 percent may fail to meet any specified maximum size.

(b) When a percentage of the potatoes is specified to be of a certain size and larger, no part of any tolerance shall be used to reduce such a percentage for the lot as a whole, but individual containers may have not more than 15 percent less than the percentage required or specified: *Provided*, That the entire lot averages within the percentage specified. For example, a lot specified as 25 percent 2½ inches and larger may have containers with not less than 10 percent 2½ inches and larger if the lot as a whole averages 25 percent 2½ inches and larger.

SKINNING CLASSIFICATION

§ 51.1551 *Skinning classification.* (a) The following optional skinning classifications are provided as a basis for classifying lots of potatoes as to the degree of skinning:

- (1) "Practically no skinning" means that not more than 5 percent of the potatoes in any lot have more than one-tenth of the skin missing or "feathered"
- (2) "Slightly skinned" means that not more than 10 percent of the potatoes in any lot have more than one-fourth of the skin missing or "feathered"
- (3) "Moderately skinned" means that not more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered"
- (4) "Badly skinned" means that more than 10 percent of the potatoes in any lot have more than one-half of the skin missing or "feathered"

APPLICATION OF TOLERANCES

§ 51.1552 *Application of tolerances.* (a) The contents of individual packages in the lot, based on sample inspection, are subject to the following limitations: *Provided*, That the averages for the entire lot are within the tolerances specified for the grade.

(1) For packages which contain more than 15 pounds, and a tolerance of 10 percent or more is provided (as in the case of over-size, where a tolerance of 10 percent is provided) individual packages in any lot shall have not more than one and one-half times the tolerance specified. For packages which contain

more than 15 pounds and a tolerance of less than 10 percent is provided, individual packages in any lot shall have not more than double the tolerance specified, except that at least one defective and one off-size potato shall be permitted in a package.

(2) For packages which contain 15 pounds or less, individual packages in any lot are not restricted as to the percentage of defects: *Provided*, That not more than one potato which is frozen or affected by soft rot or wet breakdown may be permitted in any package.

DEFINITIONS

§ 51.1553 *Fairly well matured.* "Fairly well matured" means that the potatoes meet the requirements of "slightly skinned" as defined under "Skinning Classification." (See § 51.1551 (a) (2).)

§ 51.1554 *Fairly well shaped.* "Fairly well shaped" means that the appearance of the individual potato or the general appearance of the potatoes in the container is not materially affected by pointed, dumbbell-shaped or otherwise ill-formed potatoes.

§ 51.1555 *Fairly clean.* "Fairly clean" means that, from the viewpoint of general appearance, the potatoes in the container are reasonably free from dirt or other foreign matter and that individual potatoes are not materially caked with dirt or materially stained.

§ 51.1556 *Soft rot or wet breakdown.* "Soft rot or wet breakdown" means any soft, mushy, or leaky condition of the tissue such as slimy soft rot, leak, or wet breakdown following freezing injury or sunscald.

§ 51.1557 *Damage.* "Damage" means any defect which materially affects the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as damage:

(a) Second growth or growth cracks which have developed to such an extent as to materially affect the appearance of the individual potato or the general appearance of the potatoes in the container;

(b) Air cracks which are deep, or shallow air cracks which materially affect the appearance of the individual potato or the general appearance of the potatoes in the container;

(c) External discoloration when skinned areas on individual potatoes are materially affected by dark discoloration, or when the general appearance of the lot is materially affected by discoloration;

(d) Shriveling when the potato is more than moderately shriveled, spongy or flabby;

(e) External sprouting when more than 10 percent of the potatoes have sprouts over three-fourths of an inch

long, or have clusters of sprouts which affect the appearance to a greater extent than single sprouts three-fourths of an inch long;

(f) Internal sprouting when the sprouts cannot be removed without a loss of more than 5 percent of the total weight of the potato including peel covering defective area;

(g) Surface scab which covers an area of more than 5 percent of the surface of the potato in the aggregate;

(h) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 5 percent of the total weight of the potato including peel covering defective area;

(i) Rhizoctonia when the general appearance of the potatoes in the container is materially affected or when individual potatoes are badly affected;

(j) Wireworm, grass root or similar injury when any hole, on potatoes ranging in weight from 6 to 8 ounces, is longer than ¾ inch or when the aggregate length of all holes is more than 1¼ inches. Smaller potatoes shall have lesser amounts, and larger potatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming does not cause the appearance of such potatoes to be affected to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato; and,

(k) Dried stems when more than 25 percent of the potatoes have pliable, dried stems over 2½ inches in length and not over ½ inch in diameter. Correspondingly lesser amounts shall be permitted for stiff, dried stems over ¼ inch in diameter.

§ 51.1558 *Internal discoloration.* "Internal discoloration" means discoloration such as is caused by net necrosis or any other type of necrosis, stem-end browning, internal brown spot, or other similar types of discoloration not visible externally, except blackheart.

§ 51.1559 *Diameter.* "Diameter" means the greatest dimension at right angles to the longitudinal axis. The long axis shall be used without regard to the position of the stem (rhizome).

§ 51.1560 *Seriously misshapen.* "Seriously misshapen" means that the appearance of the individual potato or the general appearance of the potatoes in the container is seriously affected by pointed, dumbbell-shaped, or otherwise badly deformed potatoes.

§ 51.1561 *Serious damage.* "Serious damage" means any defect which seriously affects the edible or shipping quality, or the appearance of the individual potato or the general appearance of the potatoes in the container, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area. Any one of the following defects, or any combination of defects, the seriousness of which exceeds the maximum allowed for any one defect, shall be considered as serious damage:

(a) Dirt when the general appearance of the potatoes in the container is seriously affected by tubers badly caked with dirt, or other foreign matter which seriously affects the appearance of the potatoes;

(b) External discoloration when skinned areas on individual potatoes are seriously affected by very dark discoloration, or when the general appearance of the lot is seriously affected by discoloration;

(c) Fairly smooth cuts such as are made by the digger or by a knife to remove injury when both ends are clipped, or in the case of round varieties when more than an estimated one-fourth of the potato is cut away, and in the case of long varieties when the length of the remaining portion of the clipped potato is less than $1\frac{1}{2}$ times the diameter of the clipped end or when the remaining portion weighs less than 6 ounces. Irregular types of cuts which seriously affect the appearance of the individual potato, or which cannot be removed without a loss of more than 10 percent of the total weight of the potato including peel covering defective area;

(d) Shriveling when the potato is excessively shriveled, spongy, or flabby;

(e) Surface scab which covers an area of more than 50 percent of the surface of the potato in the aggregate;

(f) Pitted scab which affects the appearance of the potato to a greater extent than the amount of surface scab permitted or causes a loss of more than 10 percent of the total weight of the potato including peel covering defective area; and,

(g) Wireworm, grass root or similar injury when any hole, on potatoes ranging in weight from 6 to 8 ounces, is longer than $1\frac{1}{4}$ inches or when the aggregate length of all holes is more than 2 inches. Smaller potatoes shall have lesser amounts and larger potatoes may have greater amounts: *Provided*, That the removal of the injury by proper trimming does not cause the appearance of such potatoes to be affected to a greater extent than that caused by the proper trimming of such injury permitted on a 6 to 8 ounce potato.

Done at Washington, D. C., this 22d day of December 1953.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator Pro-
duction and Marketing Ad-
ministration.

[F. R. Doc. 53-10725; Filed, Dec. 24, 1953;
8:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 10817]

TELEVISION BROADCAST STATIONS

TABLE OF ASSIGNMENTS

In the matter of amendment of § 3.606 Table of assignments, rules governing television broadcast stations; Docket No. 10817.

1. The Commission has before it for consideration the petition of WITH-TV,

Inc., Baltimore, Maryland, filed October 30, 1953, requesting that § 3.606 of the Commission's rules be amended to add the assignment of Channel 72 to Baltimore.

2. Petitioner presently holds a permit to construct a television station on Channel 60 in Baltimore, which was granted on December 17, 1952. On August 7, 1953 the date for completion of construction for petitioner's station was extended to December 31, 1953. Petitioner represents that while it is "ready, able and willing" to proceed with the construction of its station on Channel 60 as soon as the equipment on order becomes available, certain "economic problems" would be encountered in the employment of Channel 60 in Baltimore. It is explained that the area surrounding Baltimore is relatively flat and near sea level with the exception of certain sectors north and west of the city where a considerable rise in ground elevation occurs. In light of the assignment of Channel 46 in Chambersburg, Pennsylvania, the more highly elevated areas cannot be employed as transmitter sites for Channel 60 at Baltimore. This results from the fact that channels spaced 14 apart must maintain separations of at least 60 miles to protect against sound image interference, and the distance between the site of Station WCHA-TV in Chambersburg on Channel 46 and the center of Baltimore is only 60.2 miles. In order to meet the minimum spacing requirements, therefore, petitioner would be required to locate its site, as it has in its present authorization, in a flat area close to sea level. Furthermore, it is explained that the spacing requirements on Channel 60 preclude the use of petitioner's present FM site and tower.

3. In view of the foregoing, petitioner requests that the Table of Television Channel Assignments contained in § 3.606 of the rules be amended to assign Channel 72 to Baltimore for which it proposes to apply. Such assignment, petitioner contends, would mean "substantial economies which are important to UHF stations in the initial stage at least." The assignment of Channel 72 in Baltimore would meet all minimum spacing requirements and can be accomplished without changing assignments in any other communities. No close separations would be involved, and the more highly elevated areas north and west of the city could be employed as sites.

4. Six channels are presently assigned to Baltimore, a city with a population of some 950,000 persons. These are Channels 2, 11 and 13 which have been in operation for some time; Channel 18 for which an application is pending; Channel 24 reserved for education; and Channel 60. The assignment of Channel 72 to Baltimore as requested by petitioner would represent a 7th channel. We believe, however, that six channels for this community constitutes a fair and equitable assignment of the available television facilities. We do not think that the assignment of a 7th channel to Baltimore is warranted. See our Memorandum Opinions and Orders denying requests for additional assignments to Cleveland, St. Louis, and Los Angeles (FCC 53-1172) (FCC 53-838). We are

impressed, however, that the assignment of Channel 72 in Baltimore would represent a distinct improvement over the assignment of Channel 60 in light of the severely limited transmitter sites available with the employment of Channel 60. We believe that the assignment of Channel 72 in place of Channel 60 would effect a more efficient utilization of the spectrum and would serve the public interest, convenience and necessity. The Commission, therefore, is hereby giving notice that it proposes to amend § 3.606 by substituting Channel 72 in Baltimore in place of Channel 60, as follows:

City	Delete	Add
Baltimore, Md.	60-	72-

5. Station WITH-TV presently holds an authorization for Channel 60. Accordingly, pursuant to sections 303 (f) and 316 of the Communications Act of 1934, as amended, WITH-TV, Inc. is hereby afforded an opportunity to Show Cause in this proceeding why its authorization should not be modified to specify Channel 72 in lieu of Channel 60.

6. Any interested party who is of the view that the proposed amendment should not be adopted, or should not be adopted in the form proposed, may file with the Commission on or before January 18, 1954 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. WITH-TV, Inc. shall make any reply it wishes to submit to the Show Cause Order in this proceeding by this date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. An original and 14 copies of all statements, briefs or comments shall be filed.

7. Authority for the adoption of the proposed amendment is contained in sections 4 (l) 301, 303 (c) (d) (f), and (r) 307 (b) and 316 of the Communications Act of 1934, as amended.

Adopted: December 18, 1953.

Released: December 21, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] Wm. P. MESSING,
Acting Secretary.

[F. R. Doc. 53-10719; Filed, Dec. 24, 1953;
8:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[17 CFR Parts 240, 249]

REGISTRATION OF BROKERS AND DEALERS

NOTICE OF PROPOSED RULE MAKING

Notice is hereby given that the Securities and Exchange Commission has under consideration a proposal to adopt Form BD as the form of application for registration as a broker or dealer, as the form to amend such an application, and as a form of supplemental report by a registered broker or dealer. The proposal also contemplates the rescission of

Forms 3-M, 4-M, 5-M and 6-M (17 CFR 249.503, 249.504, 249.505, 249.506) now used in connection with broker-dealer registration, and the revision of applicable rules. The action would be taken pursuant to the Securities Exchange Act of 1934, particularly sections 15 (b) 17 (a) and 23 (a) thereof.

The above proposals are being considered by the Commission in connection with its comprehensive review of its rules, regulations, forms and procedures in order to eliminate duplication and to simplify its requirements wherever practicable without prejudice to the public interest or the protection of investors.

Under existing requirements the principal form of application for registration as a broker or dealer is Form 3-M. This is a 12-page application requesting a considerable amount of information which is not necessary to determine whether the registrant is eligible for registration under the provisions of section 15 (b) of the act, even though the information may have served other administrative purposes at one time or another. In substance, section 15 (b) provides that the Commission shall deny or revoke the registration of any broker or dealer if it finds that such denial or revocation is in the public interest and that such broker or dealer, or any person directly or indirectly controlling or controlled by such broker or dealer (A) has wilfully made any false or misleading statement in an application for registration, in any document supplemental thereto, or in any proceeding with respect to registration; or (B) has been convicted within 10 years of any felony or misdemeanor involving the purchase or sale of any security or arising out of the conduct of the business of a broker or dealer; or (C) is permanently or temporarily enjoined from engaging in or continuing any conduct or practice in connection with the purchase or sale of any security; or (D) has wilfully violated any provision of the Securities Act of 1933, the Securities Exchange Act of 1934, or any rule or regulation under either of said acts.

Form BD, a much shorter form requesting much less information than Form 3-M, was prepared on the theory that the application for registration should generally be limited to the information necessary to determine whether or not the registrant, or any person controlling or controlled by the registrant, is subject to a disqualification within the meaning of section 15 (b) of the act. As will be seen from the copy of the form attached hereto, it would require information concerning: the identity of the registrant; his or its principal place of business; the form of organization; the predecessor, if registrant is succeeding to the business of another broker-dealer; the names of partners, officers and directors, and holders of 10 percent or more of any class of equity security issued by a corporate registrant; the names of other persons directly or indirectly controlling the business of the registrant; the broker-dealer connections of the persons named above for the past 10 years; and specific information with respect to whether the registrant or any person

controlling or controlled by the registrant is subject to one of the disqualifications mentioned in section 15 (b) of the act.

Comparison of Form 3-M with proposed Form BD will indicate that approximately 20 categories of information previously required to be furnished in Form 3-M would no longer be required under Form BD. These categories of information include: The address of branch offices and the name of the manager of each such office; the number of salesmen, traders, customers' men and other employees; whether registrant transacts business as a broker; whether registrant transacts business as a dealer; whether registrant carries margin accounts for customers; whether registrant holds customers' securities in safekeeping; whether registrant transacts business through the medium of a member of a national securities exchange; whether registrant is engaged in the sale of oil and gas securities; whether registrant is engaged in business as an investment adviser; and various other items of information which administrative experience has indicated are not essential in connection with determining the eligibility of the registrant for registration.

The ways in which Form BD would be used. Form BD would be used for the following purposes:

1. *As an application for registration of a broker-dealer.* Where the application is filed by the broker-dealer on its own behalf category A on page 1 of the form would be checked. The instructions under category A provide that if (1) the broker-dealer filing an application on its own behalf is a partnership succeeding to and continuing the business of another broker-dealer partnership registered when the application is filed and (2) the predecessor partnership has filed its application (or supplement) on Form BD—then the registrant need furnish only such information as is necessary to bring the information previously filed by the predecessor up to date. This is intended to cover the situation where, under applicable law, the predecessor partnership is dissolved by reason of the death, withdrawal or admission of one or more partners, and the successor partnership continues the business. Form 4-M, a short form of registration, has been available in these situations, and these provisions in the instructions to Form BD make an even shorter form available in such situations.

Where the application is filed by the predecessor on behalf of a broker-dealer successor to be formed or organized category B on page 1 of the form would be checked. (Section 15 (b) of the act provides that an application for registration of a broker-dealer to be formed or organized may be filed by the predecessor, but that such registration shall terminate on the 45th day after the effective date unless prior thereto the successor adopts the application as its own in accordance with such rules and regulations as the Commission may prescribe. These rules are discussed below.)

2. *To amend an application for registration.* When the form is used for this purpose category C would be checked.

The instructions specifically state that when the form is used for his purpose only the corrected information should be furnished.

3. *As a supplement to an application for registration filed on any other form.* There are now approximately 4,000 registered broker-dealers, most of whom have furnished the information required by Form 3-M. Under existing rules this information must be kept current by amendment. It was felt that when the new simplified form is adopted all brokers and dealers (those previously registered and those who become registered on the new form) should be subject to the same simplified requirements with respect to amendments. It appears that the fairest and most practical way to accomplish this is to provide that all brokers and dealers whose application has been filed on any form other than Form BD shall file, as a "supplement" to such application, the information required by Form BD, so that thereafter amendments to keep the information current need apply only to the information in Form BD. This supplement could be filed anytime within six months, except that if any information in the old application becomes inaccurate before the expiration of the six-month period the supplement would be filed at that time. This last provision is to make certain that important information is not withheld for six months. Once a broker-dealer has filed such a supplement, he will be relieved of the burden of amending many items of information in his old application; thereafter he need keep current only the limited information in Form BD. This approach also eliminates the need for Form 6-M, the form now used for amending an application for registration.

As mentioned above, the proposal contemplates the rescission of Forms 3-M, 4-M, 5-M and 6-M. Form 5-M is now designated as the form to be used by a broker or dealer in adopting as its own an application for registration previously filed on its behalf by a broker or dealer to which it is the successor. Under the proposed revisions the required "adoption" would not have to be filed on any specific form; a letter submitted by the successor firm adopting the application filed by a predecessor would be adequate. In this connection, it should be noted that proposed Rule X-15B-3, set out below, provides that any statement adopting such an application shall constitute a representation to the Commission that the information contained in the application, and in any supplements and amendments thereto, is true and correct.

The proposal contemplates that the following rules would be adopted as "amendments" to the existing rules of the same number.

§ 240.15b-1 *Application for registration of broker or dealer.* An application for registration of a broker-dealer filed pursuant to section 15 (b) on or after (February 1, 1954) shall be filed on Form BD in accordance with the instructions contained therein.

§ 240.15b-2 *Supplements and amendments to applications.* (a) Every broker

or dealer whose application for registration is effective on or before (February 1, 1954) or is pending on that date, shall file a supplement to such application on Form BD not later than (August 1, 1954) *Provided, however* That if any information in such application is or becomes inaccurate for any reason prior to (August 1, 1954) such supplement shall be filed when such information is or becomes inaccurate.

(b) If the information contained in any application for registration of a broker or dealer, or in any supplement or amendment thereto, is or becomes inaccurate for any reason, such broker or dealer shall promptly file an amendment on Form BD correcting such information: *Provided, however* That if the application for registration was filed on any form other than Form BD and the supplement required by paragraph (a) of this section has been filed, amendments need be filed only to keep current the information in the supplement.

§ 240.15b-3 *Adoption of application filed by predecessor* Registration of a broker or dealer pursuant to an application filed on behalf of such broker or dealer by a predecessor shall terminate on the 45th day after the effective date thereof unless the successor shall adopt the application as its own by filing a statement adopting such application on or before such date. Any statement adopting such an application shall constitute a representation to the Commission that the information contained in such application, and in the supplements and amendments thereto, is true and correct.

§ 240.15b-4 *Registration of successor to partnership.* (a) In the event that a partnership registered as a broker or dealer shall have been dissolved by the death, withdrawal, or admission of one or more partners and another broker or

dealer shall become the successor to and continue the business of such predecessor partnership, the registration of such predecessor partnership shall be deemed to remain effective as the registration of the successor broker or dealer for a period of 60 days after such succession: *Provided*, That an application for registration on Form BD is filed by the successor within 30 days after such succession.

(b) A Form BD, filed by a successor partnership continuing the business of a predecessor partnership dissolved by the death, withdrawal, or admission of one or more partners, shall be deemed to be an application for registration even though designated an amendment if the Form BD is filed to reflect the change of partners and to furnish required information concerning any new partners.

Most of the above sections will be understood from the preceding discussion. Some further explanation should be made with respect to § 240.15b-4, however. The present § 240.15b-4 provides a temporary exemption from registration for a successor partnership continuing the business of a predecessor partnership. This section was found to be inadequate in some situations, particularly where there was a partnership of two partners, one of the partners died, and the surviving partner wanted to carry on the business. In this situation, since the successor is not a partnership, the present § 240.15b-4 provides no temporary exemption. Under paragraph (a) of the proposed revision the temporary exemption would be available to any broker-dealer successor continuing the business of a registered partnership which has been dissolved by the death, withdrawal or admission of one or more partners. Paragraph (b) of this section was intended to take care of the following situations: sometimes it is difficult to determine under applicable

local law whether the death, withdrawal or admission of a partner effects a dissolution of the old partnership or sometimes a change of partners technically effects a dissolution but the firm inadvertently files an amendment to report the change when it should file a new application. Paragraph (b) of the section should eliminate the effect of such mistakes. Under the proposed rule, if the form is filed to reflect the change of partners and to furnish the information required concerning any new partners, the firm will have the same protection whether the form is designated as an amendment or an application.

The substance of §§ 240.15b-5, 240.15b-6 and 240.15b-7 would not appear to need any modification by reason of these proposals, except that § 240.15b-5 would be amended to reflect the adoption of Form BD. Paragraph (a) of § 240.15b-8, which requires the filing of a financial statement by a broker-dealer filing an application for registration on Form 3-M, would be revised to conform its requirements to the adoption of the new form and to require the statement of financial condition to be filed in duplicate; and paragraph (c) of the rule, which was intended to cover applications pending at the time that § 240.15b-8 was adopted, would be deleted from the rule.

All interested persons are invited to submit data, views, and comments on these proposals in writing to the Secretary, Securities and Exchange Commission, at its principal offices, 425 Second Street NW., Washington 25, D. C., on or before January 8, 1954.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

DECEMBER 22, 1953.

[F. R. Doc. 53-10741; Filed, Dec. 24, 1953; 8:51 a. m.]

NOTICES

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 10767-10770]

TELEPHONE ANSWERING SERVICE ET AL.

ORDER CONTINUING HEARING

In re applications of Mrs. Pearl Forster, d/b as Telephone Answering Service, Dallas, Texas, docket No. 10767, File No. 180-C2-P-53; Radio Paging, Dallas, Texas, Docket No. 10768, File No. 363-C2-P-53; George A. Smith, Dallas, Texas, Docket No. 10769, File No. 607-C2-P-53; O. B. English, d/b as Radio Communications Co., Fort Worth, Texas, Docket No. 10770, File No. 927-C2-P-53; construction permits for one-way signaling base station in the Domestic Public Land Mobile Radio Service.

Whereas, request has been made by Frank B. Salisbury, attorney for Radio Paging, one of the applicants above-named, that the hearing on the appli-

cations herein scheduled by the Commission for January 4, 1954, be continued to January 6, 1954, and counsel for all other applicants above-named and the Commission having concurred therein:

It is ordered, That the hearing on the above-entitled applications scheduled for January 4, 1954, be continued to January 6, 1954, at 10:00 a. m. in the offices of the Commission, Washington, D. C. The session on that day will consist of a conference to discuss the matters mentioned and to take such action as is prescribed in § 1.841 of the rules. Testimony will not be received on January 6 and it will therefore not be necessary for witnesses to be present.

Dated: December 21, 1953.

FEDERAL COMMUNICATIONS COMMISSION,
[SEAL] Wm. P. MASSING,
Acting Secretary.

[F. R. Doc. 53-10718; Filed, Dec. 24, 1953; 8:48 a. m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

LUCIEN PSICHARI

NOTICE OF INTENTION TO RETURN VESTED PROPERTY

Pursuant to section 32 (f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property located in Washington, D. C., including all royalties accrued thereunder and all damages and profits recoverable for past infringement thereof, after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., and Property

Mr. Lucien Psichari, 1, rue de Longpont, Neuilly-Sur-Seine, France, Claim No. 41832; all right, title, interest and claim of whatever kind or nature in and to every copy-right, claim of copyright, license, agreement, privilege, power and every right of whatso-

ever nature, including but not limited to all monies and amounts, by way of royalties, share of profits or other emolument, and all causes of action accrued or to accrue relating to the work *Les Dieux Ont Soif* (Roman), by Anatole France, as listed in Exhibit A of Vesting Order No. 500A-1 (9 F. R., 7871, July 14, 1944), to the extent owned by Lucien Psichari immediately prior to the vesting thereof by Vesting Order No. 500A-1.

Executed at Washington, D. C., on December 21, 1953.

For the Attorney General.

[SEAL] PAUL V MYRON,
Deputy Director
Office of Alien Property.

[F. R. Doc. 53-10716; Filed, Dec. 24, 1953;
8:48 a. m.]

GENERAL SERVICES ADMINISTRATION

SECRETARY OF THE INTERIOR

DELEGATION OF AUTHORITY TO NEGOTIATE CERTAIN CONTRACTS RELATING TO INDIAN AFFAIRS

1. Pursuant to the authority vested in me by the Federal Property and Administrative Services Act of 1949, 63 Stat. 377, as amended, herein called the act, authority is hereby delegated to the Secretary of the Interior to negotiate, without advertising, under section 302 (c) (9) of the act, contracts for social and welfare services required to carry out program responsibilities of the Bureau of Indian Affairs.

2. This authority shall be exercised in accordance with applicable limitations and requirements in the act, particularly sections 304 and 307.

3. The authority conferred herein shall be exercised in accordance with the policies, procedures and controls prescribed by the General Services Administration.

4. The authority herein delegated may be redelegated to any officer, official, or employee of the Department of the Interior.

5. This delegation of authority shall be effective as of the date hereof.

Dated: December 18, 1953.

EDMUND F. MANSURE,
Administrator

[F. R. Doc. 53-10715; Filed, Dec. 24, 1953; 8:48 a. m.]

SECRETARY OF STATE

DELEGATION OF AUTHORITY WITH RESPECT TO DISPOSAL OF REALTY IN PHILIPPINE ISLANDS

1. Pursuant to authority vested in me by the Federal Property and Administrative Services Act of 1949, as amended, I hereby authorize the Secretary of State, with respect to certain lands and buildings of the former Juanita del Monte Zirka property located in the Municipality of Bayambang, Province of Pangasinan, Philippine Islands, more specifically described in a deed of April 8, 1941 to the United States from Tomas B. Cayabyab, recorded in the Office of the Registrar of Deeds for the Province of

Pangasinan, to determine whether such real property is required by any Federal agency and, if not, to dispose thereof by negotiated sale or otherwise.

2. The Secretary of State may redelegate this authority to any officer or employee of the Department of State.

3. This delegation of authority is effective immediately.

Dated: December 21, 1953.

EDMUND F. MANSURE,
Administrator

[F. R. Doc. 53-10758; Filed, Dec. 23, 1953;
3:08 p. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3160]

UNITED GAS CORP. AND UNION
PRODUCING CO.

ORDER REGARDING LOAN BY PARENT COMPANY TO SUBSIDIARY

DECEMBER 21, 1953.

United Gas Corporation ("United"), a public-utility subsidiary of Electric Bond and Share Company, a registered holding company, and its non-utility subsidiary, Union Producing Company ("Union") having filed a joint application with this Commission pursuant to the provisions of the Public Utility Holding Company Act of 1935 ("act") particularly sections 6 (b) 9 and 10 thereof with respect to transactions proposed therein which are summarized as follows:

United proposes to lend to Union, its wholly owned subsidiary, and the latter proposes to borrow from United, not to exceed an aggregate amount of \$2,000,000 during a period following the date of the entry of the Commission's order herein to the end of 1954 in such installments and at such times as funds may be required and requested from United. The proceeds from the loan will be used by Union to increase its working capital.

The proposed loan will be evidenced by unsecured promissory notes issued by Union to United or order, from time to time, payable on or before six years from the date of issue of such notes, bearing interest at the rate of 5 percent per annum, payable semi-annually on July 1 and January 1 of each year.

Union has presently issued and outstanding \$15,000,000 principal amount of its promissory notes consisting of \$7,000,000 principal amount of 3 percent Notes, \$4,000,000 principal amount of 4 percent Notes, and \$4,000,000 principal amount of 5 percent Notes, all such notes being payable on or before six (6) years from dates of issue. All of said notes are owned by United, and \$12,000,000 principal amount of such notes are pledged with the Guaranty Trust Company of New York, the Corporate Trustee, under United's Mortgage and Deed of Trust, dated as of October 1, 1944, in favor of Guaranty Trust Company of New York and Henry A. Theis (Herbert E. Twyefort, Successor Trustee) Trustees, as supplemented. The additional promissory notes of Union to be acquired from

time to time by United in connection with the transactions proposed herein, will, upon acquisition by United, be pledged with the Corporate Trustee under its Mortgage and Deed of Trust.

Due notice having been given of the filing of the application and a hearing not having been requested or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and in the interest of investors and consumers that said application be granted effective forthwith without the imposition of terms and conditions, other than those contained in Rule U-24.

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said application be, and it hereby is, granted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-10702; Filed, Dec. 24, 1953;
8:48 a. m.]

[File No. 70-3157]

QUINCY ELECTRIC LIGHT AND POWER CO.,
ET AL.

ORDER AUTHORIZING ISSUANCE AND SALE OF SHORT-TERM UNSECURED PROMISSORY NOTES TO PARENT COMPANY

DECEMBER 22, 1953.

In the matter of Quincy Electric Light and Power Company, Suburban Electric Company, New England Electric System; File No. 70-3157.

New England Electric System ("NEES") a registered holding company, and its subsidiary public utility companies, Quincy Electric Light and Power Company ("Quincy") and Suburban Electric Company ("Suburban"), having filed with this Commission a joint application-declaration pursuant to sections 7, 10 and 12 (f) of the Public Utility Holding Company Act of 1935 ("act") and Rule U-43, promulgated thereunder, with respect to the following proposed transactions:

Quincy presently has outstanding unsecured promissory notes payable to NEES in the principal amount of \$1,080,000 and notes payable to banks in the principal amount of \$200,000. Suburban presently has outstanding \$3,800,000 principal amount of unsecured promissory notes payable to banks.

Quincy and Suburban propose to issue to NEES, from time to time but not later than December 31, 1953, unsecured promissory notes in the respective aggregate principal amounts of \$1,280,000 and \$2,500,000. Each of said notes will mature April 1, 1954, and may be prepaid in whole or in part without payment of a premium. The proceeds derived from such notes will be used by Quincy and Suburban to prepay a like principal

amount of note indebtedness to NEES and to banks. The interest rate on such notes will be at the prime interest rate being paid by Quincy and Suburban on the notes prepaid until their maturity date and thereafter at the prime interest rate at the time of issuance. The notes to be prepaid bear interest at 3½ percent which, according to the application-declaration, is also the present prime interest rate.

The application-declaration states that incidental services in connection with the proposed note issues will be performed at cost by New England Power Service Company, an affiliated service company, such cost being estimated not to exceed \$150 for each applicant-declarant, or an aggregate of \$450.

The application-declaration further states that no State commission and no Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is requested that the Commission's order herein become effective forthwith upon issuance.

Due notice having been given of the filing of the application-declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said application-declaration be granted and permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of said act, that said application-declaration be, and hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-10742; Filed, Dec. 24, 1953;
8:51 a. m.]

[File No. 70-3158]

WHEELING ELECTRIC CO.

ORDER REGARDING PROPOSED ISSUE AND SALE
OF SHORT-TERM NOTES

DECEMBER 22, 1953.

Wheeling Electric Company ("Wheeling") a public utility subsidiary of American Gas and Electric Company, a registered holding company, having filed a declaration with this Commission pursuant to sections 6 and 7 of the Public Utility Holding Company Act of 1935 ("act") with respect to a proposed transaction which is summarized as follows:

The proposed transaction covers the establishment of a line of credit with a banking institution and the proposed borrowing under such line of credit of an amount not to exceed \$1,000,000 outstanding at any one time, from time to time, prior to December 31, 1954, from such banking institution and the issuance

and delivery of notes evidencing such borrowings by Wheeling.

The notes to be issued by Wheeling in evidence of such borrowings will be dated as of the date of such borrowings in each case and will in no event mature in more than 270 days after the date of issuance.

Of the \$1,000,000 proposed to be borrowed, Wheeling has already borrowed \$400,000 from the said banking institution and has issued its note in evidence thereof. This borrowing, in the amount of \$400,000, was made on October 6, 1953, and was exempted from the provisions of section 6 (a) by the first sentence of section 6 (b) of the act.

It is expected that the next borrowing, in the amount of \$100,000 will be made on or about January 1, 1954. The note evidencing such borrowing of \$100,000 will bear interest from the date thereof at the then current prime credit rate which is currently 3½ percent per annum.

Subsequent borrowings will be made from time to time prior to December 31, 1954, in amounts depending upon Wheeling's cash requirements and not to exceed \$1,000,000 outstanding at any one time under the said line of credit. Such subsequent borrowings will bear interest from the respective dates thereof at the then current prime credit rate.

Wheeling may prepay the notes from time to time, in whole or in part, without premium.

No finders' fees or commissions are to be paid by Wheeling in connection with the proposed transactions, and it is estimated that miscellaneous expenses to be incurred by Wheeling will not exceed the nominal amount of \$250.00.

Due notice having been given of the filing of the declaration, and a hearing not having been requested of or ordered by the Commission; and the Commission finding that the applicable provisions of the act and the rules promulgated thereunder are satisfied and that no adverse findings are necessary, and deeming it appropriate in the public interest and the interest of investors and consumers that said declaration be permitted to become effective forthwith:

It is ordered, Pursuant to Rule U-23 and the applicable provisions of the act, that said declaration be, and it hereby is, permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-10744; Filed, Dec. 24, 1953;
8:51 a. m.]

[File No. 70-3166]

ELECTRIC BOND AND SHARE CO.

SUPPLEMENTAL ORDER REGARDING THE SALE
BY PARENT OF SECURITIES OF SUBSIDIARY

DECEMBER 21, 1953.

The Commission by order dated December 17, 1953, having granted and permitted to become effective an application-declaration, as amended, filed by

Electric Bond and Share Company ("Bond and Share"), a registered holding company, regarding, among other things, the sale at public offering, after receiving competitive bids, of 100,000 shares of its present holdings of common stock of United Gas Corporation ("United Gas") plus such additional shares not exceeding 15,000 as Bond and Share should acquire during the course of stabilizing operations to be effected by Bond and Share, subject to the reservation of jurisdiction with respect to (1) the results of the competitive bidding; (2) the fees and expenses in connection with said transactions; and (3) the making, to the extent appropriate, of further orders, findings and recitals pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended; and

A further amendment having been filed on December 21, 1953, setting forth the action taken by Bond and Share to comply with the requirements of Rule U-50, stating that 1,300 shares of common stock of United Gas were acquired through stabilization operations, that 101,300 shares of common stock were offered at competitive bidding, and that pursuant to the invitation for competitive bids, the following bids for the common stock have been received:

Bidding group headed by—	Price per share to Bond and Share
Blyth & Co.	\$23.035
Kidder, Peabody & Co.	23.035
Merrill Lynch, Pierce, Fenner & Beane	23.035
Goldman, Sachs & Co.	23.03
The First Boston Corp.	27.835
Lehman Bros.	27.803

The amendment having further stated that Bond and Share has accepted the bid of Blyth & Co. for the common stock of United Gas as set forth above and that said common stock will be offered to the public at a price of \$28.625 per share, resulting in an underwriters' spread of \$0.53 per share; and

The application-declaration, as amended, having estimated the fees and expenses of Bond and Share relating to said transaction to be as follows:

	Estimate
Filing fee—Securities and Exchange Commission	\$345
Fees of counsel:	
Reid & Priest, New York City	3,500
Simpson, Thatcher & Bartlett, New York City	3,500
Baker, Botts, Andrews & Parish, Houston, Tex.	3,000
Auditors' fees	1,500
Printing, including registration statement, prospectus, etc.	9,500
Report of Ralph E. Davis, independent engineer	5,000
Miscellaneous	6,655
Total estimated fees and expenses	33,000

and the fees of Milbank, Tweed, Hope & Hadley, New York City, independent counsel for the successful purchasers to be \$3,500; and

The Commission having examined said application-declaration, as amended, and having considered the record herein, and finding no reason for the imposition of terms and conditions with respect to the results of the competitive bidding, and deeming it appropriate to make the re-

requested recitals pursuant to Supplement R and section 1808 (f) of the Internal Revenue Code, as amended:

It is ordered, That the jurisdiction heretofore reserved with respect to matters to be determined as a result of competitive bidding for the sale of said common stock of United Gas and with respect to the fees and expenses relating to said sale of common stock be, and hereby is, released, and that said application-declaration, as amended, in respect of the issuance and sale of said common stock by Bond and Share be, and the same hereby is, granted and permitted to become effective forthwith, subject to the terms and conditions prescribed in Rule U-24.

It is further ordered and recited, That the sale and transfer by Bond and Share of 101,300 shares of common stock of United Gas is necessary or appropriate to the integration or simplification of the holding company system of which Bond and Share is a member and is necessary or appropriate to effectuate the provisions of section 11 (b) of the act, all in accordance with the meaning and requirements of the Internal Revenue Code, as amended, including section 1808 (f) and Supplement R thereof.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F. R. Doc. 53-10743; Filed, Dec. 24, 1953; 8:51 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28764]

FERTILIZER COMPOUNDS FROM JACKSONVILLE, ARK., TO SOUTHERN TERRITORY

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds and related articles, carloads.

From: Jacksonville, Ark.

To: Southern territory.

Grounds for relief: Rail competition, circuitry, market competition, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 133.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved

in such application without further or formal hearing. If, because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10703; Filed, Dec. 24, 1953; 8:46 a. m.]

[4th Sec. Application 28765]

PHOSPHATIC FEED SUPPLEMENTS FROM SOUTHERN TERRITORY TO CENTRAL VERMONT RAILWAY STATIONS

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: R. E. Boyle, Jr., Agent, for carriers parties to Agent C. A. Spaninger's tariff I. C. C. No. 1395.

Commodities involved: Phosphatic feed supplements, carloads.

From: Points in southern territory.

To: Stations on Central Vermont Railway.

Grounds for relief: Rail competition, circuitry, and to maintain grouping.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10704; Filed, Dec. 24, 1953; 8:47 a. m.]

[4th Sec. Application 28766]

WOODEN BUILDING MATERIAL FROM CENTER, TEX., TO THE SOUTH

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Building material, viz: doors, sash, frames, and related articles, carloads.

From: Center, Texas.

To: Points in southern territory.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3967, supp. 300.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10705; Filed, Dec. 24, 1953; 8:47 a. m.]

[4th Sec. Application 28767]

FURNITURE FROM SHREVEPORT, LA., TO COLORADO AND WYOMING

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Furniture and furniture parts, carloads.

From: Shreveport, La.

To: Colorado Springs, Denver, Greeley, Pueblo and Trinidad, Colo., and Cheyenne, Wyo.

Grounds for relief: Rail competition, circuitry, to apply rates constructed on the basis of the short line distance formula, and additional origin.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3886, supp. 103.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved

in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10706; Filed, Dec. 24, 1953;
8:47 a. m.]

[4th Sec. Application 28768]

SULPHURIC ACID FROM SOUTHERN TERRITORY TO POINTS IN GEORGIA

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., for carriers parties to schedules listed below.

Commodities involved: Sulphuric acid, in tank-car loads.

From: Specified points in southern territory.

To: Clyattville, Eskay, Tifton, Valdosta and South Valdosta, Ga.

Grounds for relief: Rail competition, circuitry, and to apply over short tariff routes rates constructed on the basis of the short line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C.

No. 1357, supp. 24 Louisville and Nashville Railroad Company, I. C. C. No. A-16749, supp. 32.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10707; Filed, Dec. 24, 1953;
8:47 a. m.]

[4th Sec. Application 28769]

MERCHANDISE IN MIXED CARLOADS FROM WINSTON-SALEM, N. C., TO MEMPHIS, TENN.

APPLICATION FOR RELIEF

DECEMBER 22, 1953.

The Commission is in receipt of the above-entitled and numbered applica-

tion for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Merchandise in mixed carloads.

From: Winston-Salem, N. C.

To: Memphis, Tenn.

Grounds for relief: Competition with rail carriers, circuitry, competition with motor carriers, and additional routes.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, I. C. C. No. 1305, supp. 39.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Secretary.

[F. R. Doc. 53-10703; Filed, Dec. 24, 1953;
8:47 a. m.]

